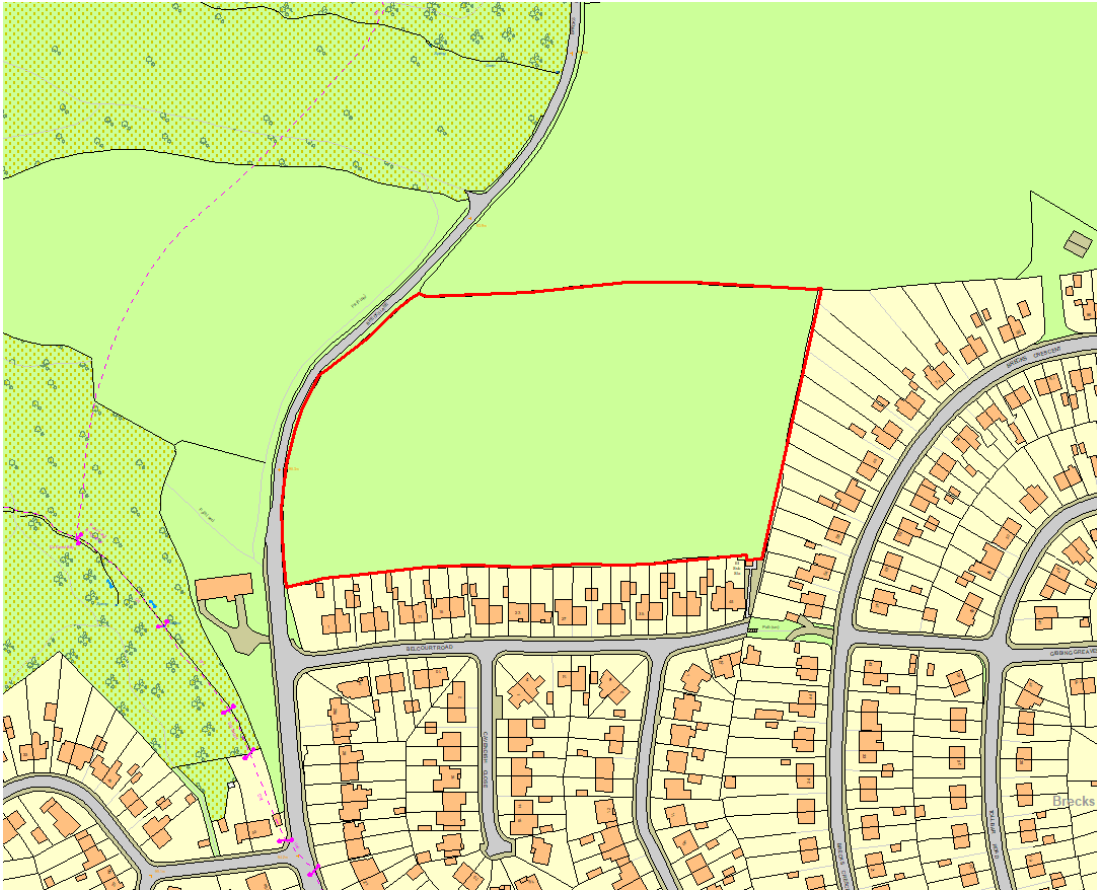


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 23 JULY 2020**

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

Application Number	RB2019/1891 https://rotherham.planportal.co.uk/?id=RB2019/1891
Proposal and Location	Outline application for the erection of up to 70 No. dwellinghouses including details of access land East of Brecks Lane, rear of Belcourt Road, Brecks
Recommendation	<p>That the Council enter into a legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • A financial contribution of £500 per dwelling towards sustainable travel measures to support the development. • A financial contribution will be calculated in line with the Section 106 Education Contributions Policy towards Education provision. • A financial contribution of £35,685.89 towards improvement to bus stop 30875 controlled by South Yorkshire Passenger Transport Executive to support the development. • Submission of details of a LEAP (Local Equipped Area for Play) on the onsite Public Open Space area. • Establishment of a Management Company to manage and maintain the areas of Greenspace on site. • Affordable Housing provision at 25% of the total site. Housing types and tenures to be agreed with the Council and in accordance with the affordable housing policy CS7. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board as it is a Major development and does not fall within the scheme of delegation due to the number of representations received.



Site Description & Location

The site comprises of land that lies on the eastern side of Brecks Lane in Brecks. This is currently a field that has not previously been developed and was last used for agriculture. The central area of the site has all been fully cleared of trees, hedges and wildlife habitat due to the agricultural use. There are mature hedgerows along all four boundaries to the site as well as some trees at the southern area of the site.

The site is approximately 2.95 Hectares in area with land levels sloping from east to west across the site. Land levels drop approximately 13 metres dropping from 107 metres AOD at the south eastern corner to the north western edge at around 94 metres.

There is currently no vehicular access to the site other than an agricultural access from Brecks Lane to the west.

The site does not lie within a known Flood Risk area.

The nearest existing properties are on Belcourt Road immediately to the south and Brecks Crescent to the east. The character of the area is predominantly residential although the site is adjacent to open countryside at the edge of the residential area of Brecks.

The site directly abuts existing green belt to the north.

Background

The site does not have any relevant planning history.

Environmental Impact Assessment

A screening opinion is not required for this development as it does not meet the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Community Infrastructure Levy

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

Proposal

This is an outline planning application for a new residential development with only the access being considered in this application. All other matters are reserved for future consideration

The development would provide a total of up to 70 new dwellings accessed from a single point of access from Brecks Lane to the west.

The following documents have been submitted in support of the application and can be summarised below:

Design & Access Statement

This also includes illustration and details how the development proposals have been formulated, what has influenced the design and layout of the site and how the various development constraints have been dealt with. Plans have been shown in the form of a Masterplan.

The constraints to the development of the site are:-

- The relationship to the houses backing onto the site, and the need to protect their residential amenity.
- To maintain the existing trees and hedgerows as far as possible.
- To consider potential views into and from the site.
- To provide within the site sustainable urban drainage facilities.
- The site access positioning.
- Consideration and protection for nearby wildlife sites.

The opportunities for the development are

- To provide for a softer urban edge along the northern and western boundaries.
- To provide new areas for biodiversity.
- To provide new areas of informal open spaces.
- To provide new structural landscaping and planting.

- To provide for outward looking development to the north west.

Indicative plans have been submitted showing up to 70 residential units across the site in a Masterplan showing how a final layout might be developed.

Transport Assessment

- At the southern boundary of the proposed development Brecks Lane is subject to a 30mph speed limit, reverting to the national speed limit approximately 20m to the north of the southern site boundary.
- There is street lighting on both sides of Brecks Lane to the south of the site, with no parking restrictions in place.
- Brecks Lane has an overall highway width of approximately 6.5 metres, comprising a 4.5m wide carriageway bounded by 1m wide verges on either side.
- The volume and speeds of traffic along Brecks Lane was obtained through the installation of an Automatic Traffic Counter (ATC) on Brecks Lane for a 7-day period commencing Wednesday 16 September 2015. The results indicate that the typical two-way traffic flows on this route are in the region of 1,000 vehicles a day.
- During the typical weekday peak hour periods (8am to 9am and 5pm to 6pm) two-way traffic flows along the route are approximately 100 vehicles. It can therefore be seen that the route is lightly trafficked.
- It is proposed that the development would be served from a new simple priority T-junction onto Brecks Lane. The access route will comprise a 5.5m wide carriageway bounded by 2m wide footways and 6m wide junction radii.
- In accordance with the recorded 85th percentile vehicle speeds along Brecks Lane, visibility splays of 59m from a 2.4m minor road setback distance will be provided onto Brecks Lane.
- A new 2m wide footway will also be provided on the east side of Brecks Lane to the south of the proposed site access to link with the existing footway to the north of Belcourt Road.
- It is also proposed that the existing 30mph speed limit will be extended northwards approximately 100m and a 'village gateway' feature provided on Brecks Lane comprising enhanced 30mph road signs, 30mph speed roundel road markings and dragons' teeth road markings.
- Off-street car parking for the proposed development will be provided in accordance with RMBC maximum parking standards of one space per one or two bedroom dwelling and two spaces per three or four bedroom dwelling.
- The location of the site is such that existing sustainable travel opportunities are reasonable with local educational, retail and recreational facilities being within a reasonable walk/cycle distance of the proposed development.
- The highway network is such that local journeys within the Brecks area should be undertaken on foot or by cycle.

- Bus stops are located within an easy walking distance of the proposed development with high frequency bus services available to Rotherham. It is therefore considered that, whilst the site is not directly served, or adjacent to, local bus services, the quality of service and level of frequency of service available locally would make travel by bus a reasonable alternative to the private car, particularly for trips to/from Rotherham
- It is considered that the proposed development would not result in an unacceptable impact on highway safety nor result in a severe residual cumulative impact on the road network.

Ecological Appraisal

- The Preliminary Ecological Appraisal was undertaken on the 1st May 2018.
- The site comprised an arable field bordered by hedgerows and residential boundaries. There were no potential bat roosting features observed in the semi-mature trees within the hedgerows. No other potential bat roosts were present on site.
- The hedgerows are likely to be used by foraging and commuting bats. If any loss, severance or lighting of the hedgerows is planned, bat activity transects are recommended to identify any important commuting routes or foraging areas.
- There was no evidence of badger activity on the site. Although no setts were found, badger activity can change over a short space of time, so a full badger survey is recommended prior to any development.
- Although the hedgerows connect to suitable habitat off-site, they were considered sub-optimal for dormouse and given the rarity of the species in the county, dormouse survey is not considered necessary.
- The site is likely to support a range of widespread bird species commonly found in farmland, woodland edge and urban areas. Nesting birds may be present in hedgerows, trees and grassland during the bird breeding season (March to August inclusive).
- If vegetation removal is planned during these months, a prior check for nesting birds should be undertaken by an ecologist. Any active nests that are found must not be moved until fledglings have dispersed.
- The field margins were mostly narrow and of poor structure and were assessed to be of low potential to support common reptiles. A full reptile survey is not deemed necessary. If the field margins are left over time to develop a thicker sward, it is recommended that precautionary habitat management is undertaken prior to any vegetation removal of the margins.
- There were no ponds identified on site or within 500 metres of the site, and therefore great crested newts are unlikely to be present within the terrestrial habitats of the site. No further consideration for this species is required.

Landscape and Visual Appraisal

- Development of the proposals at the site were informed by analysis and recommendations set out within an initial preliminary Landscape and Visual Appraisal carried out for the development site. This included mitigation measures incorporated into the scheme to avoid or reduce adverse effects.
- Mitigation measures incorporated into the scheme design of relevance to landscape and visual amenity include:
 - Retention of the trees and hedgerows on the site's northern, eastern and southern boundaries of the site, and beyond site access road works on the site's western boundary to maintain as much of the existing landscape framework and mature landscape features as possible;
 - Provision of supplementary planting (to include native tree and shrub planting) along the northern boundary of the site to strengthen the development's tree and hedgerow feature along this boundary and integration of the development within the adjacent and wider agricultural landscape;
 - Provision of primary amenity and open green space within the north western extent of the site and a hedgerow feature along the site's boundary with Brecks Lane and site access road approach, providing visual and landscape amenity benefits for users of the site and wider area, as well as assisting with integration of the development within the wider landscape including that of the adjacent public park at Herringthorpe Wood.

Flood Risk and Drainage

- Mott MacDonald carried out a Level 3 flood risk and runoff assessment for a proposed residential development site to determine the suitability of the proposed development on the site. As well as fluvial flood risk the report will also assess the risk posed locally by the development itself and the runoff it may generate.
- The report concludes that the development is suitable for this location and can be safely developed to manage and control all identified long term residual flood risks in this area.
- The provision of a positive drainage system on the site may also contribute to a reduction in flood risk locally.
- It is considered that the use of infiltration based systems may be suitable for this site given the anticipated ground conditions. Notwithstanding this, it is demonstrated that the layout may be developed to incorporate a SuDS based system that will not only provide adequate runoff protection but will also provide an improvement in the runoff quality and bio-diversity.

Geophysical Survey along with an Environmental Statement (including Archaeological and heritage exercise)

- A geophysical survey of the Proposed Development Area was carried out in November 2018 and the instrument chosen was a Bartington Grad 601 dual sensor fluxgate gradiometer.

- The geophysical survey has revealed number of anomalies of possible archaeological origin but no definite evidence of significant buried archaeological remains. It can be postulated that the anomalies relate to historical agricultural activity and possible mineral and coal exploration and exploitation, but this can only be confirmed if the anomalies are tested by tested by trial trenching.
- There are no known heritage assets within the proposed development area. There are no high importance assets within the vicinity of the proposed development area. There are no Listed Buildings in the vicinity, nor likely impact on any other heritage assets in the vicinity of the proposed development area.
- The proposed development area has been disturbed by successive ploughing, most likely, over several hundreds of years. The proposed development area now lies immediately to the north of residential housing.
- All sources of evidence presented here lead to conclude that the development of the proposed area is likely to have a negligible impact on the historic landscape.

Land Contamination Desktop Study

- Historically the land has been used for agricultural purposes with no obvious development having taken place.
- A phase II ground investigation is recommended to determine more accurate the effect of the identified hazards of the development. Initially this should include:
- A ground investigation comprising of window sampling and trail pitting to confirm ground conditions.
- Chemical analysis of soils so that risk to human health and controlled waters can be determined.
- Geotechnical soils testing of the foundation strata.
- Soakaway testing.
- Overall the Phase I Site Appraisal has shown the site is suitable for the proposed development, subject to conditions.

Tree Survey

- All the trees in this survey have been surveyed from the ground.
- A climbing survey has not been undertaken. Where relevant, specific recommendations for remedial tree surgery works have been included. Such recommendations are valid for a period of 12 months from the date of this inspection.
- Hedge H1 to tree group G34 were inspected by Ben Bennett from ground level only on Thursday 11 July 2019. Weather conditions were dry and bright with good visibility from ground level.
- The full survey has been mapped on separate attachments

Affordable Housing Statement

- As per policy CS7 Applications for 15 or more residential units or for sites of 0.5 hectares or more will be expected to provide 25% of the units on site as affordable housing.

- In this application this could equate to 17 of the potential units, with the site having being allocated for up to 70 units.
- At this time it is not possible to specify the exact number or locations of these units as this information is not known at this outline stage. Similarly types of affordability and tenure split as well as likely Registered Social Landlords (RSLs) are unknown at this outline stage.
- The applicants will however engage with the LPA during the application to ensure measures are put in place via any conditions or the S106 Agreement to secure the appropriate provision of affordable homes for the site.

Development Plan Allocation and Policy

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

The application site is allocated for residential purposes (H33) in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan Policies

CS1 Delivering Rotherham's Spatial Strategy
 CS3 Location of New Development
 CS6 Meeting the Housing Requirement
 CS7 Housing Mix and Affordability
 CS14 Accessible places and Managing Demand for Travel
 CS20 Biodiversity and Geodiversity
 CS25 Dealing with Flood Risk
 CS21 Landscape
 SP1 Sites Allocated for Development
 SP11 Development in Residential Areas
 SP26 Sustainable Transport for Development
 SP32 Green Infrastructure and Landscape
 SP37 New and Improvements to Existing Green Space
 SP47 Understanding and Managing Flood Risk and Drainage
 SP52 Pollution Control
 SP55 Design Principles

Other Material Considerations

South Yorkshire Residential Design Guide.

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 revised NPPF came into effect on July 24th 2018. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

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

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to directly adjacent properties. Approximately 90 no. representations have been received and these can be summarised as follows:

- There is not enough infrastructure or support for 70 new houses
- Significant increase in the level of traffic
- The traffic analysis data for one week is insufficient
- The Transport Statement is flawed as this does not take into account the steepness of the surrounding highway network, particularly along Brecks Lane. E.g the this will encourage more people to use cars
- Increased congestion, particularly at the roundabout at East Bawtry Road
- Loss of view from existing properties
- Loss of privacy to existing properties
- There have been deer sightings in the field
- Detrimental impact on wildlife
- Increase in flood risk
- Increased demand on nearby school places, especially Listerdale
- There will be the potential for householders to lose land as there would be a pathway created along the eastern side of Brecks Lane.
- Not enough consultation or notification has taken place.
- The proposal will involve a long period of disruption and noise during construction which may be up to 2 years.

The majority of the objections have been received from local residents on Belcourt Road, Brecks Lane, Brecks Crescent and Winlea Avenue.

Consultations

RMBC

Transportation Infrastructure Service – no objections to the revised layout subject to the imposition of conditions

Drainage – no objections subject to conditions

Ecologist – no objections subject to conditions

Education – S106 contributions are requested

Environmental Health – no objections subject to conditions

Land Contamination – no objections subject to conditions

Affordable Housing Officer – no objections subject to a legal agreement to secure 25% of Affordable Housing on site

Landscape Design– overall no objections subject to conditions

Tree Service Manager – no objections subject to conditions

Air Quality – request Air Quality Management scheme

Leisure and Green Spaces Manager – overall no objections subject to future Public Open Space provision and a Local through a S106 contribution.

External

Yorkshire Water – no objections subject to conditions

South Yorkshire Passenger Transport Executive (SYPTTE) – no objections subject to a S106 contribution of £35,685.89 towards upgraded facilities.

NHS – sufficient places are available in the locality and no additional contribution requested

Police Architectural Liaison Officer – Overall no objections. A number of recommendations to the design of the scheme are made to minimise potential crime which are attached as an Informative.

South Yorkshire Archaeology Service (SYAS) – no objections subject to condition

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Highway Safety and Transportation Issues
- Ecology issues
- Flood Risk and drainage
- Noise Issues
- Affordable Housing and Planning Obligations
- Trees and Landscaping Issues
- Other issues

Principle of development

The site is allocated for residential purposes in the Local Plan and has been given a specific allocation as H33 within policy 'SP1 Sites Allocated for Development'. Site H33 provisionally indicates that the site has the capacity to accommodate up to 70 dwellings.

The Local Plan has previously been reviewed by the Planning Inspector and the document was adopted in June 2018. Whilst a number of the objections raise concerns about the principle of residential development in this location, these issues have previously been considered during the adoption of the Local Plan. From a planning policy perspective, the site is allocated for residential development in the Local Plan and therefore the principle of a residential development is acceptable in land use terms.

Policy CS28 'Sustainable Design' states, in part, 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...Design should take all opportunities to improve the character and quality of an area and the way it functions."* This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

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

The NPPF at paragraph 124 states, in part, that: *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 130 adds, in part, 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, taking into account any local design standards or style guides in plans or supplementary planning documents."*

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

The proposals do not show detailed layouts or housing designs and these are not being considered in detail at outline stage. However, the numbers of units proposed, up to 70, has been highlighted as an acceptable level of development in the Local Plan allocation. This is considered to achieve an acceptable balance between efficient land use of the site and acceptable spacing standards and outside amenity areas.

From a landscaping perspective, the draft layout is considered to indicate an acceptable mix of hard and soft landscaped areas with green buffers to of all the external site boundaries. Any accompanying reports (i.e. Landscape and Visual Appraisal, Ecological Assessment, Tree Survey) need to be adopted as part of the sites development guidelines with consideration given to any mitigation recommendations.

The design of the Green Belt / rural interface along with linkages between the site and offsite destinations along with a strong landscape framework will be the key areas in any future reserved matters application. However the Masterplan submitted in support of the application shows an acceptable buffer area which will protect the views into/out of the adjacent Green Belt.

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

Further to the above the NPPF at paragraph 127 states, in part, that planning decisions should ensure that developments *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."*

The proposed residential units on this outline phase of development comprise of a mixture of detached and semi-detached residential properties. No elevations are being proposed at this stage and scale is not being formally considered. However, the majority of the surrounding residential areas are of a traditional design with a maximum of two storeys in height and it is considered that any future reserved matters application should be restricted to a maximum of two storeys in height as the site is located adjacent to existing properties and the Green Belt.

With regard to the impact of the proposal on the amenity of future residents of this development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties and 77sqm for 3 bed properties. The layout is considered to have the potential to adhere to these space standards and each dwelling will have private rear gardens.

The masterplan indicates that the plots will have a potential outlook of at least 10m between the different plots and to any adjacent sites. This meets the standards set in the SYRDG and is considered a sufficient distance to have an acceptable relationship with neighbouring residential properties.

Having regard to all of the above and on balance, it is considered that the clarified layout and design of the proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

Highway Safety and Transportation Issues

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

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

Policy SP26 'Sustainable Transport for development' states, in part, that *"Development proposals will be supported where it can be demonstrated that:*

- a. *as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*

- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;*
- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access.”*

The NPPF further notes at paragraph 108: *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*

and

- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

In general, the site has reasonable access to public transport and local facilities, with the A631 being located approximately 400m to the south of the site. The site is also within an established residential area.

The Transportation Unit have assessed the application and all supporting documents which can be summarised within the paragraphs below:

1/. Trip Generation

TRICS (Trip Rate Information Computer System) is a database of trip rates for developments used in the United Kingdom for transport planning purposes, specifically to quantify the trip generation of new developments. The TRICS database has been used to estimate the likely traffic generation and the Transport Statement (TS) concludes that this would not be significant enough to warrant an assessment of the wider highway network. Accordingly, only an assessment of the proposed development access onto Brecks Lane has been undertaken. Whilst the TS predicts some 37 and 34 two way trips in the AM and PM peak hours respectively, local knowledge suggests that the (TRICS) data used reflects sites that have a lower level of car ownership and use than is locally prevalent. The TS predicts also that some 81% of development generated traffic would travel to/from the site via Brecks Lane to the south of the site and some 19% accessing the site to/from Brecks Lane north.

2/ Traffic Impact

Peak hour capacity assessments have been undertaken at the proposed site access junction on Brecks Lane for the 2023 “with development” scenario.

The results indicate that the proposed site access junction would operate with ample spare capacity in both the weekday morning and evening peak hours. In view of this, it is considered that the impact of the residual trips from the proposed development on the local highway network is negligible. The additional trips that will utilise Brecks Roundabout in the peak hour will presumably be within the daily variation at this location.

3/ Car Parking

The Transport Statement inaccurately refers to maximum standards whereas the latest Council standards for new residential development are minimum standards. In view of the government's ambition for a shift to electric vehicles by 2035, all dwellings should be

provided with a dedicated charging facility. In addition, any communal visitor parking should have a charging facility.

4/ Cycling

Brecks Lane is an advisory cycle route and there is an on carriageway cycle lane on the eastbound carriageway of the A631 East Bawtry Road between the Worrygoose and Brecks roundabouts. The TS proposed that cycle parking is provided by means of garden sheds. This is not in line with best practice.

5/ Walking Accessibility

The site is within a reasonable walking distance of most everyday destinations and is therefore relatively sustainable.

6/ Public Transport

The proposed development is within a reasonable walking distance of high frequency bus services to Rotherham, Sheffield and other destinations. Bus priority measures are in place on the local highway network. The nearest railway station to the site is Rotherham Central approximately 5km to the west. Tram-train services to Central Sheffield and Parkgate Shopping are available from there.

7/ Road Safety

The data indicates there have been three recorded collisions resulting in injury on Brecks Lane in the vicinity of the proposed development. One involved a pedestrian and the other two involved vehicles travelling in opposite directions around the bend mid way along the site frontage clipping each other.

8/Travel Planning

Given the relatively small number of homes proposed, it is considered that the £500 per dwelling can be used as a suitable substitute to a formal travel plan in terms of promoting sustainable travel.

9/ Site Access

Whilst the proposal includes for the widening of Brecks Lane to 5.5 metres and the provision of a 2 metre wide footway, these works should be extended along the full site frontage to Brecks Lane and the footway set back onto the visibility splays. This has subsequently been clarified by the applicant's agent. This plan indicates also a "Gateway" feature in Brecks Lane including the resiting of the 30 mph limit. This will necessitate the provision of additional street lighting, including a column(s) on the opposite side of Brecks Lane.

Whilst a number of objectors raise issues on highway safety and capacity grounds,

RMBC's Transportation Unit have assessed the development with regard to the Transport Statement (TS) and Travel Plan (TP) as indicated above. Overall, they conclude that the proposal is acceptable in highway and transportation terms subject to conditions and a S106 contribution.

The South Yorkshire Passenger Transport Executive (SYPTTE) have not raised any objections to the scheme, but have requested bus stop improvements which involves a S106 contribution of £35,685.89 towards upgrading the existing facility (bus stop 30875) along Wickersley Road.

Taking all of the above into consideration, it is considered that this application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14 and SP26 and guidance within the NPPF.

Ecology Issues

The Council's Ecologist has confirmed that the site is not within a bat zone and does not consider a bat survey to be necessary. A pre-development badger survey should be undertaken and conditioned accordingly.

The main part of the site comprises a field which appears to have been used for pasture in the past. There are hedgerows on the northern, eastern and southern boundaries with a narrower, discontinuous hedge to the west. The hedges provide some ecological value and the Ecologist would like to see these retained and enhanced, where possible.

Overall the Ecologist considers that there are no objections to the proposals subject to biodiversity enhancement conditions, such as planting native trees and shrubs and installing bird boxes should be considered.

Trees issues

The Tree Officer has raised no objection to the proposed development as it will have only a minor effect on the existing trees and hedgerows and has the potential to increase the level of tree cover on this site. However, a future reserved matters application will need to provide much more clarity on the level of tree planting to take place, along with finer details relating to species and tree sizes.

The existing tree protection plan will be adequate to protect the retained trees onsite. The hedgerows that are proposed for removal to allow access to the site can be adequately replaced elsewhere on site.

The illustrative layout appears to show that 116 trees plus further buffer planting along the northern boundary will be carried out. However, the exact details of the tree planting will need to be confirmed on a future application.

Whilst the number of proposed trees is largely adequate, it appears that the majority will be located in rear gardens, which will limit the amenity they provide the local area and also leave them vulnerable to removal from the future residents.

Overall, subject to conditions of final tree details as part of a detailed application there are no objections on this aspect.

Landscape and Public Open Space

The proposal shows a large green space in the north west corner of the development which is welcomed as it provides a buffer with the adjacent woodland. The construction of 70 units within this development requires the provision of 3850sqm of new green spaces at a ratio of 55sqm per unit as per policy SP37 'New and Improvements to Existing Green Space'. The supporting information indicates that the space proposed will be in excess of 5000sqm. The Greenspace Officer notes that a proportion of the green space forms a SUDS, so is of less value for recreation than would otherwise be expected. However, if 5000sqm is provided within the finished scheme this would offset this and the Greenspace and Landscape Teams have indicated that they are of the view that the development is compliant with policy SP37 in this respect.

The nearest equipped children's play area is between 670m and 850m from the proposed new homes, which does not comply with the required 400m minimum distance required by policy SP37. The Greenspace Team has indicated that a new equipped play area on the Public Open Space would address the requirements under SP 37. The applicant has agreed to this. Greenspaces have also indicated that it is unlikely that the Council will adopt any new green space or play area and they will need to make alternative provision for the ongoing inspections and maintenance of these provisions. It is considered that this, along with the equipped play area would also be subject to a S106 agreement.

Flood Risk and drainage

The application site lies within a low risk (Zone 1) Flood Risk Zone and is not within a known surface water flood risk area.

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

"Proposals will be supported which:

- a. *do not result in the deterioration of water courses and which conserve and enhance:*
 - i. *the natural geomorphology of watercourses,*
 - ii. *water quality; and*
 - iii. *the ecological value of the water environment, including watercourse corridors;*
- b. *contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies*
- c. *manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;*
- d. *improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,*
- e. *dispose of surface water appropriately according to the following networks in order of preference:*
 - i. *to an infiltration based system wherever possible (such as soakaways)*
 - ii. *discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)*
 - iii. *discharge to a public sewer."*

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

Policy SP47" Understanding and Managing Flood Risk and Drainage" states, part, that:

"The Council will expect proposals to:

- a) *demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;*
- b) *control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) inappropriate*

- locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and*
- c) *consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.”*

The submitted plans and supporting details have been assessed by the Council's Drainage Engineers who have confirmed they do not anticipate any drainage or flooding issues which cannot be resolved. There is no major flood risk and the basics of the proposed drainage strategy are acceptable. An appropriate area has been set aside to accommodate the required surface water attenuation.

However, the drainage documentation and details submitted with the application would need to be updated prior to the submission of a reserved matters application. The proposed road layout should be designed to ensure that there is a fall from east to west along its full length. This should be easily achievable with minor changes to the horizontal alignment.

Accordingly it is considered that these issues can be secured via suitably worded conditions.

Likewise Yorkshire Water have raised no objections at the outline stage, subject to standard conditions.

Noise Issues

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

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.”

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

- a. *the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.*
- b. *the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.*
- c. *the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality*

Management Areas and meeting the aims and objectives of the Air Quality Action Plan.

- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.*
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”*

Environmental Health have not raised any specific concerns on noise issues or pollution grounds, subject to the standard recommended informative on hours of construction which aims to protect residential amenity during the construction phase.

Affordable Housing and additional Planning Obligations

Policy CS7 ‘Housing Mix and Affordability’ states in part, that:

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

The developer has confirmed that 25% of the units proposed on site will be affordable. The tenure and unit types will be decided at the reserved matters stage and are subject to a S106 agreement.

In this case the Education Team have confirmed that a financial contribution would be required for future education provision. This is for an education contribution to Wickersley Sports College because it is over subscribed. The final contribution will be calculated at reserved matters stage when the anticipated number of children within the development can be formally calculated. At this stage the applicant predicts the number of secondary children from this development is to be 11 pupils. It is proposed to include relevant text within the Section 106 Agreement to secure an appropriate financial contribution.

The NHS have confirmed that additional planning obligations would not be sought for this development on account of its limited scale.

Overall the proposal is considered to fully comply with Core Strategy Policy CS7 ‘Housing Mix and Affordability’ as well as the advice within the NPPF.

Other issues

The South Yorkshire Archaeology Service (SYAS) have reviewed the desk-based assessment (DBA) and geophysical survey submitted with this application. The DBA noted the potential for prehistoric archaeological features within the proposed development area. This is confirmed by the results of the geophysical survey, which found anomalies consistent with archaeological features across the site. As the survey report points out, the nature and significance of the anomalies can only be determined by trial trenching. For this reason, SYAS have recommended that a scheme of archaeological trial trenching is undertaken. The trenching should target both features identified in the survey and apparently blank areas. It is considered that this can be satisfactorily be secured by condition. This will require the evaluation to be undertaken prior to submission of any reserved matters, with the report of the results being submitted in support of the reserved matters application.

Conclusion

The principle of residential development on this site on a site allocated as site H33 for residential in the Local Plan is considered to be acceptable. The indicative layout plan of the site is considered to offer an acceptable masterplan indicating that a development of up to 70 dwellings could be achieved on the site.

The proposed access and highway improvement works are considered to be acceptable and appropriate and the highway network has adequate capacity to accommodate the level of traffic arising as a result of the development. Overall, it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14 and SP26 and guidance within the NPPF.

Overall the proposal is recommended for approval, subject to conditions as well as the signing of the S106 agreement.

Conditions

01

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

Reason

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

02

The detailed elevational drawings and internal layout plans to be submitted in accordance with the requirements of this permission shall include the layout, scale, appearance and landscaping of the site and 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 detailed elevational drawings and internal layout plans to be submitted in accordance with the requirements of this permission shall indicate dwellings at a maximum two storey height.

Reason

To minimise potential dominance to the neighbouring residential areas to the south and east, along with the open land to the north.

04

The development shall not be commenced until details of the improvements to Brecks Lane fronting the site indicated in draft form on the plan attached to RMBC Highway memorandum (Ref 17th February 2020) have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is occupied.

Reason

In the interests of highway safety and residential amenity.

05

The proposed site layout shall be designed and constructed in accordance with the South Yorkshire Residential Design Guide including separation distances, private amenity space and internal spacing standards.

Reason

In the interests of ensuring a high quality living environment for existing and future residents.

06

On site car parking shall be provided in accordance with the Council's minimum car parking standards for new residential development.

Reason

In the interests of highway safety.

07

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

Reason

No details having been submitted they are reserved for approval.

08

Prior to the occupation of any dwelling, details of the infrastructure to allow every future homeowner on the site to fit their own specific Electric Vehicle Charging connection plate, shall be submitted to and approved by the Local Planning Authority. Each dwelling shall not be occupied until the approved infrastructure has been provided, and they shall thereafter be retained.

Reason

In the interests of sustainable development and air quality.

09

The details to be submitted in accordance with this outline permission at reserved matters stage shall include an Air Quality statement.

Reason

In the interests of sustainable development and air quality.

10

No dwelling shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment around each plot shall be completed before the occupation of the dwelling to which it relates.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28 Sustainable Design.

Drainage

11

The detailed plans to be submitted in accordance with this outline permission shall include a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be fully implemented in accordance with the approved details before the development is completed. During construction, if the approved scheme has not been implemented, temporary arrangements shall be put in place to limit surface water runoff to the agreed discharge rate.

The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

To ensure that the development can be properly drained in accordance with the Local plan and the NPPF.

12

The detailed plans to be submitted in accordance with this outline permission shall include a Flood Risk Assessment based on existing flood risk, proposals to mitigate flood risk and sustainable drainage principles for the development, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

13

The detailed plans to be submitted in accordance with this outline permission shall include a flood route drawing has been submitted to and approved in writing by the Local Planning Authority. The drawing shall show how exceptional flows generated within or from outside the site will be managed, including overland flow routes, internal and external levels and design of buildings to prevent entry of water. The development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

14

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage.

15

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal.

Other

16

The reserved matters application shall include a suitable scheme of proposed tree planting and full details shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved. The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
- Plans detailing adequate soil volume provision to allow the tree to grow to maturity
- Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
- Staking/tying method(s).
- Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

17

The detailed plans to be submitted in accordance with this outline permission shall include a Construction Management Plan. The Construction Management Plan shall include:

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the demolition/construction work;
- the location of the site compound and staff parking;
- the location of the storage / loading / unloading of materials;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of demolition/construction on/deliveries to the site;
- details of the quality of soil and its movement and temporary storage during construction; and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period. Reason In the interests of highway safety and residential amenity.

Reason

In the interests of residential amenity of the surrounding properties.

18

Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a written

scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted to and approved in writing by the local planning authority and then implemented.

Reason

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

Land contamination

19

The reserved matters application shall include a Phase II intrusive investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to the authority. Subject to the findings of the investigation, a Remediation Method Statement shall be provided to the Local Authority prior to any remediation commencing on site. Following the remediation of the site, a Verification Report should be forwarded to the Local Authority for review and comment. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority. The site shall be development in accordance with the agreed details.

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.

Hours of construction

20

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

Reason

In the interests of residential amenity of nearby properties.

Ecology

21

The detailed plans to be submitted in accordance with this outline permission shall include details of bat & bird boxes, including their design and siting. The approved details shall be implemented within a timeframe to be agreed with the Local Planning Authority and shall thereafter be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981 and to mitigate the loss of a small number of sub-optimal roosting features.

22

The detailed plans and supporting information to be submitted in accordance with this outline permission shall include a pre-development badger survey. The approved details shall be implemented within a timeframe to be agreed with the Local Planning Authority and shall thereafter be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981

23

The reserved matters application shall include the northern buffer area with the adjacent greenbelt boundary and shall retain the eastern hedgerow boundary (currently in draft format) in accordance with the submitted Masterplan (ref Illustrative Layout 19/103-03A).

Reason

In order to safeguard the existing mature vegetation and biodiversity this provides.

Informatives

Yorkshire Water

01

YW note the following for any future reserved matters application:

- 1) The submitted Flood Risk Assessment prepared by Mott MacDonald (Report dated March 2016) requires additional information. In summary, the report states that foul water will discharge to the public sewer network and that the surface water hierarchy will be explored. Following the discount of infiltration within the site, there is a likelihood that a connection to the watercourse (Dalton Brook), located circa 300 metres to the north east of the site or the watercourse running through Gibber Greave Wood, located circa 160 metres to the north east of the site could be feasible.
- 2) Yorkshire Water requires further information regarding the means of draining surface water from the development and as Yorkshire Water promote the surface water disposal hierarchy, the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

RMBC Drainage

02

The applicant should be aware that the attenuation assessment is provisional at this stage, but the estimate is too low due to the following:

- The assumed 50% impermeability is not a conservative assessment.
- The impermeable area should be increased by 10% to allow for urban creep.
- The runoff coefficient Cv should be 1.0.

- The flow control in the calculations passes forward too much flow at the design head.
The area required to accommodate the attenuation may therefore be too low. The use of a pond for attenuation is acceptable, but it should be clearly indicated as such to ensure that it is consistent with other requirements for the open space.

The alternative option of using individual parking areas as attenuation and infiltration appears impractical.

The proposed surface water sewer will run some 160m along Brecks Lane, before discharging to a watercourse in the Council owned land to the west of the road. The downstream section of the surface water sewer should be designed to accommodate a possible future connection from the safeguarded site to the north of the application site.

Police ALO

03

South Yorkshire Police indicate that all rear boundaries should be at least 1.8m high to prevent access into rear gardens. All doorsets allowing direct access into the home and ground floor windows should be to the required standard for Secured by Design.

Lighting

All external paths and car parking areas should be well lit with an LED lighting scheme and to standard BS5489 with no dark areas.

04

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

05

The applicant should be aware that the detailed specifications of the land contamination work for the discharge of the contamination condition is listed below:

1. Prior to development commencing a Phase II Intrusive Site Investigation shall be undertaken to assess the 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).

2. Subject to the findings 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.

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

4. If subsoils/topsoils 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.

5. 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.

Ecology

06

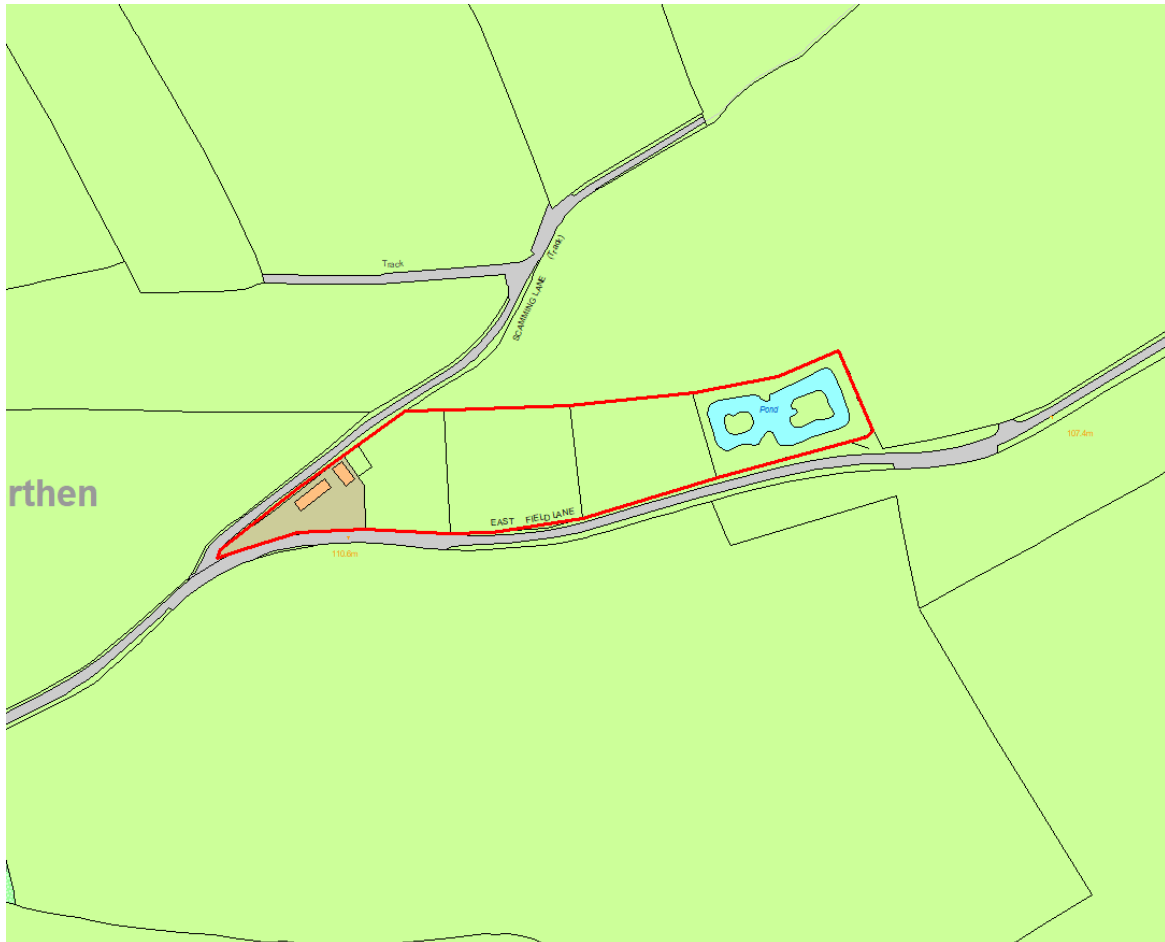
No vegetation clearance shall take place outside of the bird breeding season (February until August) and it is recommended that vegetation works (tree or hedge cutting) or site clearance should be done outside of the nesting season.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2020/0254 https://rotherham.planportal.co.uk/?id=RB2020/0254
Proposal and Location	Change of use of stables to angler's accommodation, change of use of roofspace in two-storey building to manager's accommodation, single-storey extension, additional window / door openings and external roller shutters at Leger Lakes, East Field Lane, Laughton-en-le-Morthen, S25 1ZY
Recommendation	<p>A. That the applicant enters into a unilateral legal 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"> • This permission shall revoke the permission for 10 of the anglers' pods beside the associated lakes that were approved under planning permission RB2015/1458. • No replacement stables shall be applied for on any part of the land. • The occupation of the flat which is to be created in the roofspace of the two-storey building on site as part of this application shall be limited to persons solely or mainly working at the site in association with the fishing ponds use. Should the fishing ponds close the accommodation shall cease use. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in this report.</p>

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



Site Description & Location

The site of application is in open countryside off East Field Lane, Laughton-en-le-Morthen where the site is accessed from. There are a number of buildings on the site including stables and a two storey building which was approved for agricultural and fisheries use, with ancillary mess room for anglers.

To the east of the site is a large fishing pond with two small islands. An additional fishing lake has recently been constructed to the south side of East Field Lane.

The surrounding area is rural, with the nearest residential properties to the west on Eastfield Crescent.

Background

There have been numerous applications submitted relating to this site:

RB1998/0846 – Erection of (4) stables - GRANTED CONDITIONALLY – 20/08/1998

RB1999/1419 – Extension to stables to form tack store and erection of barn / haystore – REFUSED 19/01/2000

RB2000/0969 – Construction of a barn / haystore, tack and feed room (resubmission of R99/1419P) – REFUSED 28/03/2001

RB2004/1786 – Retrospective application for use of land for siting of residential caravan in connection with animal sanctuary – REFUSED 11/11/2004 for the following reasons:

An enforcement notice was subsequently served which was allowed in part (relating to use of the land as an animal sanctuary), though not in respect of the caravan which was removed – 15/12/2005.

RB2006/1063 – Erection of barn – REFUSED 26/07/2006

RB2006/2186 – Erection of barn – GRANTED CONDITIONALLY 08/01/2007

RB2014/0999 – Erection of agricultural building, angler's facilities, replacement stables and installation of fishing pond with associated parking area – REFUSED 17/11/2014 – APPEAL ALLOWED 29/06/2015

RB2015/1458 – Erection of agricultural building, anglers facilities, replacement stables and installation of fishing pond with associated parking area (amendment to RB2014/0999) - GRANTED CONDITIONALLY 15/01/2016. Condition 10 of the permission states:

10

Notwithstanding the submitted plans, no additional window/door openings shall be inserted in any elevation of the proposed agricultural building.

Reason

To retain the agricultural appearance and function of the building and to ensure that the building is not subsequently used for a use that would otherwise represent inappropriate new build development in the Green Belt.

RB2016/0751 – Application to vary conditions 02 (approved plans) & 10 (windows and doors in proposed agricultural building) imposed by RB2015/1458 – REFUSED 04/08/16 – APPEAL DISMISSED 17/02/2017

Works to provide some of the alterations had already taken place, along with internal alterations to form a coffee shop and function room within the building, and an Enforcement Notice was served on 14/11/2018 requiring the cessation of the use of part of the building as a coffee shop and function room, along with the removal of double doors that had been formed in the rear elevation in place of a single window, and the removal of a patio and seating area at the rear of the building.

An appeal against the Enforcement Notice was allowed in respect of the use of part of the premises as a coffee shop and the retention of the patio and seating area, but dismissed in respect of its use as a function room, and in respect of the double doors created in the rear elevation. The applicant subsequently amended the doors to a single door to replace the window, and as the Inspector had also allowed the patio and seating area it was considered reasonable to provide an external door on the rear elevation to this location, though this was not regularised by way of a formal planning application.

Other openings had been formed as well though the applicant indicated that these would be blocked up and so were not included in the requirements of the enforcement notice.

RB2017/1276 – Creation of fishing lake and erection of 15 No. anglers pods – GRANTED CONDITIONALLY 13/03/2018

The fishing lake has been constructed and is in use, none of the anglers' pods have been brought to the site.

RB2018/1241 – Erection of 2 No. log cabins & toilet block and change of use of stables to 4 x A1 Uses, 1 x A4 Use and storage areas – REFUSED 04/10/2018 – APPEAL DISMISSED 19/08/2019

CIL

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

Proposal

The application is for the change of use of stables to anglers' accommodation, change of use of roofspace of the existing two-storey building to manager's accommodation, a single-storey extension, additional window / door openings (some already formed), and the provision of external roller shutters to many of the ground floor openings, which have already been fitted.

The anglers' accommodation in the stables would create 5 units, each unit would be 4.4 metres x 3.8 metres internally, they would all be open plan, except for a small w/c, shower room. The proposed anglers' accommodation in the stables would replace 10 of the accommodation pods previously approved around the newest pond, which would leave 5 pods around the pond. The applicant has agreed to revoke permission for 10 of the 15 pods around the lake, none of which have been provided as yet. This would be controlled by way of the S106 agreement that the applicant would enter. The proposed extension would project off the north facing side elevation by 2.4 metres and be 5.2 metres long with mono-pitch roof 3.9 metres high to ridge.

The extension would be built out with a render finish and tiles that would match the existing roof tiles. It would be accessed from the rear (east) elevation. The extension would provide toilet facilities for the anglers.

In terms of the additional window/door openings, a door on the western elevation has been moved from one side of the large roller shutter opening to the other, and an additional window has been provided to serve the café area formed. In the eastern elevation, the double doors that were not allowed as part of the enforcement notice appeal have been replaced with a single door, (replacing a window in this location), and an additional door is proposed that would serve the manager's accommodation.

The openings on the two-storey building and in part of the existing stable have external roller shutters in brown. These come from brown metal boxes fitted above the openings.

The plans have been amended during the course of the application as originally the stables were to be converted into 3 larger rooms for anglers' accommodation which were considered excessive for what was required. They were amended to the 5 smaller units now proposed. The applicant has agreed to enter into a S106 agreement to ensure that no replacement stable buildings are provided within the site. Also, a further two ground floor windows in the eastern elevation to serve the workshop area have been removed from the proposals.

A Design and Access Statement has been submitted in support of the application that provides information to determine the application and to set out the proposal in respect of the site, surrounding area, design, use and access.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

- CS4 'Green Belt'
- CS28 'Sustainable Design'
- CS27 'Community Health and Safety'
- SP2 'Development in the Green Belt'
- SP3 'Rural Workers Dwellings in the Green Belt'
- SP4 'Extensions to Buildings in the Green Belt'
- SP5 'Alternative Uses for Buildings within the Green Belt'
- SP52 'Pollution Control'

Other Material Considerations

Interim Planning Guidance - 'Development in the Green Belt'.

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 revised NPPF came into effect in February 2019. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to nearby properties. 6 letters of representation have been received, including one from the Parish Council which contained 2 additional individual objectors.

The issues raised by the residents are summarised as:

- The 'Existing Layout' plans submitted are inaccurate.
- Most windows are covered by roller shutters but these are not shown on the drawings.
- The first floor is shown on the existing plans. How can this be when the Planning Inspector dismissed the appeal against the retrospective planning permission RB2016/0751 for the 2 doors and 10 windows that had been put in the building.
- The first floor and staircase access should have been removed within 3 months as part of the above dismissal.
- The building should never be allowed residential use.
- Previous conditions and requirements have been ignored by the applicant.
- Given the previous applications and proposals that have been refused, this current application does not appear to be a genuine business case.
- Firbeck Lane and Laughton in general is blighted by speeding vehicles on narrow roads. Eastfield Lane is narrow where two cars struggle to pass and is used by cyclists and agricultural machines with no pedestrian footpath and it would be a danger if further traffic was encouraged.

- Do not believe there is overnight demand to fish, the existing lakes do not seem to be well used.
- Overnight visitors would have no local amenities to use which could lead to crime and disorder.
- It has always been the applicant's intention to live at the site.
- Entrance / exit to the site is restricted.

The issues raised by the Parish Council are summarised as:

- It is contrary to and would undermine local and national planning policies, in particular those relating to protecting the Green Belt.
- It would create a precedent for similar inappropriate development on the site and the Green Belt more generally.
- There is nothing in the evidence to support why the accommodation is required.

There are 3 Right to Speak requests from 2 of the objectors and the applicant.

Consultations

RMBC – Transportation Infrastructure Service: No objections.

RMBC – Environmental Health Service: No objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of the development in this Green Belt location
- Design considerations
- General amenity
- Highways

Principle of the development in this Green belt location

Formation of anglers' accommodation in existing stables and formation of manager's accommodation in roofspace of existing two-storey building:

Paragraph 146 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include, amongst other things, the re-use of buildings provided that the buildings are of permanent and substantial construction.

More specifically, Local Plan policy SP5 'Alternative Uses for Buildings within the Green Belt' states: *"The change of use or conversion of a building in the Green Belt is acceptable in principle providing that the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. Prior to any conversion of a building it should be demonstrated that the building is of permanent and substantial construction...."*

The Council's Interim Planning Guidance - 'Development in the Green Belt' states: *"The conversion of an existing building is acceptable in principle providing the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, the re-use of buildings is not inappropriate development, provided that the buildings are of permanent and substantial construction."*

For a building to be of permanent and substantial construction it must have walls and a roof, be structurally sound and not require significant re-building, cladding or significant external alterations. This would also include a building that would require significant internal alterations to bring it up to habitable standards unless it is desirable to retain the building because of the historic value or visual amenity that it provides."

In this instance both the stables and two-storey building are of a permanent and substantial construction given their fairly recent construction and materials. Furthermore, given the buildings are already in situ they would not affect the openness or be in conflict with the purposes of including land within the Green Belt.

Therefore it is considered that the re-use of the stables and the roofspace of the main building is not inappropriate development in the Green Belt and the proposed change of use would accord with the requirements and provisions set out within the national and local planning policy and guidance referred to above.

Isolated dwelling in the Green Belt:

It is noted that the proposed living accommodation within the roofspace for a manager / worker associated with the fishing ponds business, would be sited in an isolated location away from public amenities such as shops, schools,

public transport etc. and in most cases the introduction of an isolated dwelling in the Green Belt would not be supported. However, paragraph 79 of the NPPF states: *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside...”*

Further to the above, policy SP3 ‘Rural Workers Dwellings in the Green Belt’ states: *“New houses in the Green Belt require special justification for planning permission to be granted and should relate to the essential need for a rural worker to live permanently at or near to their place of work. The applicant will be required to establish a functional need for a new dwelling to support rural business activity and demonstrate this in support of the planning application. Applicants must demonstrate through the provision of evidence that the business is financially viable. Consideration will be given to approving permission for temporary accommodation in the first instance until the business is established and stable and the need for a permanent dwelling proven.”*

In this instance, the manager’s accommodation is related to the rural use of the site for fishing and the applicant considers that there is a need for some presence on site at all times due to the night-time fishing and to ensure the site is secure and safe at all times, due to its isolated location. In many cases such security can be provided by someone living close to the facility, perhaps in Laughton-en-le-Morthen, or by the use of security cameras. However, whilst the site has security cameras in places the applicant has indicated that these alone are not sufficient to deter any potential thieves / vandals, as other public attractions in the area have suffered recent criminal damage. Further to this, the ponds attract anglers either through the night or very early morning and this will be increased when the pods around the lake are provided along with the accommodation in the existing stables. Accordingly, for health and safety of those users, together with security of the site, it is considered that some limited accommodation is required on site.

As such it is considered that the proposed manager’s accommodation in this instance is acceptable in this isolated location, subject to limiting its occupation to someone employed in association with the fishing ponds (not the ancillary café). This will be secured by a unilateral legal agreement which the applicant has agreed to sign should the application be successful. Failure to comply with the s106 obligation is enforceable by injunction.

Turning to the anglers’ accommodation, it is considered reasonable to impose a condition that would ensure that the accommodation is used by anglers only as it is not considered suitable for general living accommodation.

Extension to existing building:

Paragraph 145 of the NPPF indicates that local authorities should regard the construction of new buildings as inappropriate development in the Green Belt and sets out several exceptions. These include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; and the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The Inspector dealing with the previous Enforcement Notice appeal noted that: "I am mindful that the Framework supports a prosperous rural economy by seeking sustainable growth and expansion of all types of business in rural areas and sustainable rural tourism and leisure developments which respect the character of the countryside. I am satisfied that the provision of the coffee shop use, at its present relatively modest physical scale, would represent a proportionate expansion of the existing business that would be sensitive to its surroundings. Furthermore, due to its limited scale, it would be unlikely to generate a significant number of trips to the site as a destination for this purpose alone." The café use has, therefore, been accepted by the Inspector and the internal toilet facilities would potentially serve those customers.

The extension hereby proposed is a modest single-storey extension to provide toilet facilities for users of the fishing ponds. There are currently no dedicated toilet facilities for users of the fishing ponds and they currently have to go inside the building and use those within the café area. It could, therefore, be argued that the toilet facilities hereby proposed provide appropriate facilities in connection with the existing use of the land for outdoor sport and given the modest size of the extension and its siting on the existing building, it would not adversely affect the openness of the Green Belt and would not conflict with the purposes of including land within it.

Notwithstanding the above, it is also of note that the extension by virtue of its size, scale and massing would not result in a disproportionate addition to the original building which has only recently been constructed and had no other extensions added. This is because the Council's interpretation of disproportionate in respect of extensions to buildings in the Green Belt is set out in policy SP4 'Extensions to Buildings in the Green Belt', which states "*...an increase in excess of 33% in the external volume of the original building would make the proposals disproportionate...*" The extension would be significantly less than 33% of the original buildings volume.

Summary

Accordingly, the proposed changes of use and modest extension do not represent inappropriate development in the Green Belt as they satisfy the relevant exemptions listed in paragraphs 145 and 146 of the NPPF and comply with the requirements outlined in Local Plan policies CS4 'Green Belt',

SP2 'Development in the Green Belt', SP4 'Extensions to Buildings in the Green Belt' and SP5 'Alternative Uses for Buildings within the Green Belt'.

Design considerations

The NPPG notes that: *“Development proposals should reflect the requirement for good design set out in national and local policy.”* The NPPG further goes on to advise that: *“Local planning authorities are required to take design into consideration and should refuse planning permission for development of poor design.”*

The NPPF at paragraph 124 states: *“Good design is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture.

Local Plan policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

It is considered that the proposed alterations to the external appearance of the stables would raise no design issues and would be in keeping with the character and appearance of the building.

In terms of the additional openings for the manager's accommodation it is considered that the addition of rooflights and a single means of escape door, all on the rear (eastern) elevation, would be acceptable. The alteration of a window serving the café area to a single door on the eastern elevation is also considered acceptable, allowing access from the café to the seating/patio area that was approved under the enforcement notice appeal.

The inclusion of a single additional window on the western elevation to serve the kitchen area of the café, and the movement of a door from one side of the large roller shutter door to the other, would also be acceptable.

The two additional ground floor openings in the eastern elevation, to serve the workshop area, have been removed from the proposals though have been constructed and so would need to be bricked up, as other unauthorised openings have been. This will be monitored separately, and appropriate enforcement action taken should the works not be carried out.

In respect of the external roller shutters that have been put up without planning permission, whilst utilitarian in appearance, they have been coloured brown to fit in with the appearance of the building and are required for security purposes. On balance whilst, not the most visually attractive addition, they provide functionality.

Further to the above, the proposed single-storey extension to the north facing side elevation of the two-storey building would be of a modest size and scale, and of an appropriate form and design, whilst its materials would match those in the existing building. Furthermore, its siting would ensure it is not readily seen. Accordingly, from a design perspective the proposed extension raises no issues.

Therefore having regard to the above the proposed alterations and extensions would fully comply with the requirements set out within the relevant NPPF and NPPG paragraphs and the Council's adopted Local Plan policies.

General amenity

Paragraph 127(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Local Plan policy CS27 'Community Health and Safety' states: "*Development will be supported which protects, promotes or contributes to securing a healthy and safe environment...*" Policy SP52 'Pollution Control' states: "*Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity.*"

In respect of the extension it is considered that given its siting and substantial distance from the nearest residential dwellings, it would have no impact on the amenity of neighbouring residents.

With regard to the proposed use of the stables for anglers accommodation and the first floor of the existing two-storey building as managers accommodation, it is also considered that given the distance to neighbouring residential properties and the nature of the uses they would also raise no significant issues in respect of noise and general disturbance.

Accordingly, from the information outlined above it is considered that the proposal would comply with paragraph 127(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

Highways

Paragraph 109 of the NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

With regard to highways, it is of note that the siting of the proposed extension would not affect the existing car park and the proposed change use of the stables and roofspace of the two-storey building would not affect the level of car parking within the large hardstanding area to the front of these buildings.

Accordingly, the Council’s Transportation Infrastructure Service have raised no objections to the proposal from a highways perspective.

It is noted that some of the objectors raised concerns regarding the adjacent highway (Eastfield Lane), its narrowness and the speed of people using the lane, and any additional traffic would be a danger, whilst the existing entrance / exit to the site is restricted.

These concerns are noted, however it is considered that the additional vehicular movements to and from this site would be negligible, while in some cases drivers do drive quickly down the lane, it is derestricted and any speeding is a matter for the police and out of the control of the applicant or Local Authority. Furthermore, regardless of whether this application is approved or refused, the issue of drivers driving fast down the lane would remain.

In respect of the entrance to the site, the Council’s Transportation Infrastructure Service have raised no issues with the current access arrangement. If it was deemed unsafe, its widening and / or visibility splays would have been requested. In addition, the visibility splays approved under RB2015/1458 appear to have been implemented given the extensive removal of conifer hedgerows either side of the access and the splaying of the boundary wall.

Therefore, it is considered that the proposed development would not lead to an unacceptable impact on highway safety or severely impact on the road network. Therefore, a refusal on highway grounds cannot be justified in this instance as the scheme would not meet the requirements set out in paragraph 109 of the NPPF.

Other Considerations

In respect of the issues raised by the objectors, these have been noted and in most instances the issues have been assessed and addressed in the prevailing sections of this report.

Other issues which have been raised have been considered but hold no or little weight in the determination of the application, or are not material planning considerations. For instance, the accuracy of the existing layout plans is noted, but the main consideration is that the scheme is carried out in accordance with the proposed plans. The fact that previous conditions and requirements have been ignored by the applicant and questioning the business case, are noted but personal circumstances / previous breaches of planning cannot be considered during the determination of an application, each case is treated on its merits and based on the information provided which has to be taken in good faith.

The issue regarding the potential for the development to lead to crime and disorder is noted but there are too many variables and unknowns to know whether this scheme would lead to such issues. If it were then it would be for the police to investigate and take action where necessary.

With regard to the applicant's intention to always live at the site, this cannot be considered, as mentioned above the Council have to determine the application as it has been submitted and if necessary, impose restrictions. However, these restrictions would not affect the applicant's right to submit other applications in the future, which will be assessed in accordance with national and local planning policies and guidance.

With regard to the first floor being shown on the existing plans and the issue raised that the first floor and staircase access should have been removed within 3 months of RB2016/0751 being dismissed by the Planning Inspectorate, it appears that most of the windows on the first floor have been removed. Furthermore, there is no reference in the Enforcement Notice issued in respect of the first floor and staircase. The only requirements the Notice issued in 2018 referred to were in relation to ceasing the use of the building as a coffee shop and function room; replace the double doors on the rear (north-eastern) elevation with a window as approved under RB2015/1458 and remove the patio and seating area outside these doors. As noted above, the coffee shop use was allowed along with the patio and seating area. Other openings that have been formed would be regularised under the current application, or are required to be removed and appropriate action in this respect will be monitored.

Conclusion

It is concluded that notwithstanding the issues raised by the objectors, the proposed changes of use and extension represent appropriate forms of development in the Green Belt that would not adversely impact on its openness or conflict with the provisions of including land within it. Furthermore, the extension is of a size, scale, form, design and siting that represents an acceptable addition to the site and surrounding area. In addition, the alterations/additions to the openings within the building are considered acceptable. Finally, the developments would not impact negatively on the amenity of neighbouring residents or have a significantly adverse impact on highway safety. Accordingly, the proposal complies with relevant

national and local planning policies and is subsequently recommended for approval subject to conditions and the applicant signing a Unilateral Agreement.

Conditions

General

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved 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)

Location Plan, received 12 February 2020

Site Plan, received 12 February 2020

8076 RevC, received 06 July 2020

Reason

To define the permission and for the avoidance of doubt.

Materials

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form / shown on drawing no 8076 rev C
The development shall thereafter be carried out in accordance with these details.

Reason

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

Restrictions

04

The accommodation in the converted stables shall be used solely for anglers using the ponds and for no other purpose.

Reason

The premises are not considered suitable for general residential use.

Informatives

01

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

02

The ground floor openings on the rear (eastern) elevation serving the workshop area are not authorised by this permission and shall be closed up in matching materials. If the appropriate action is not taken within 3 months of the date of this permission then appropriate enforcement action will be pursued.

03

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

04

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

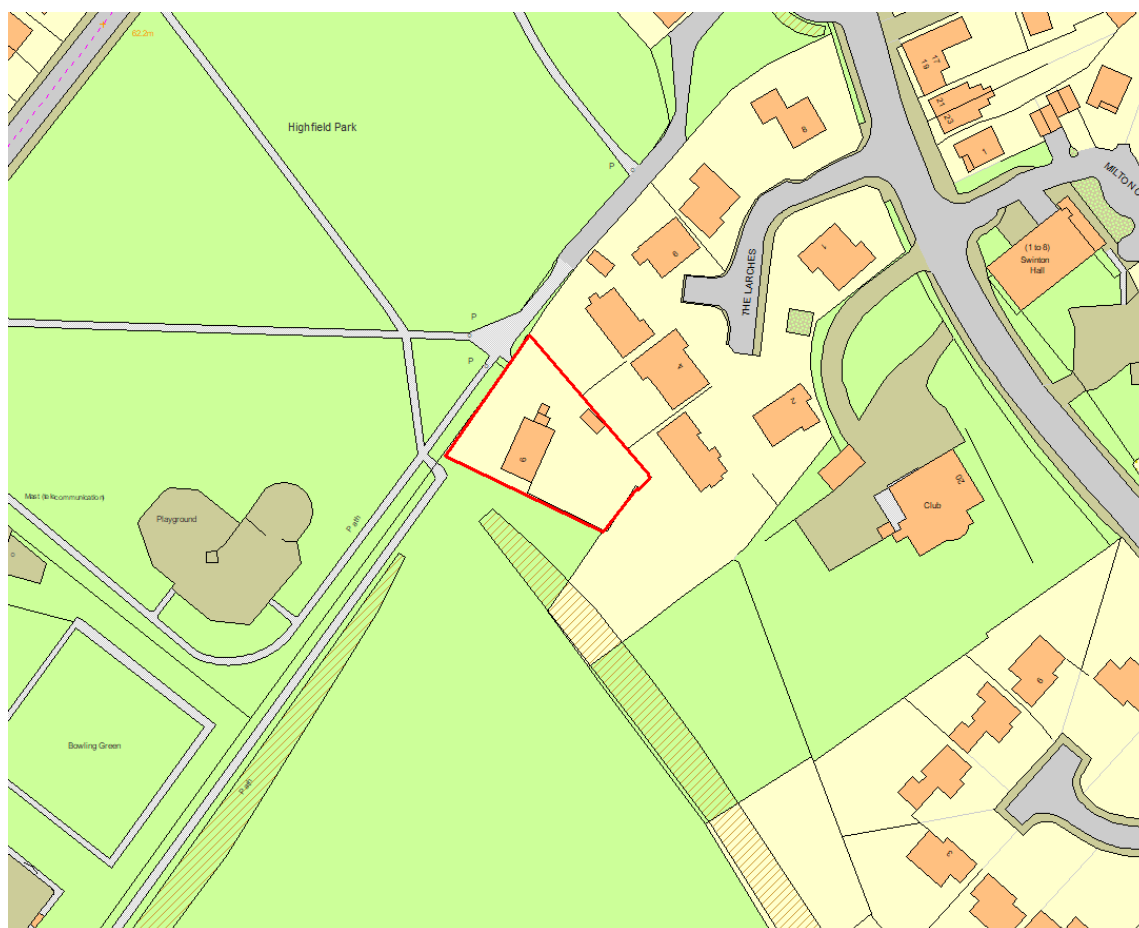
Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

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	RB2020/0570 https://rotherham.planportal.co.uk/?id=RB2020/0570
Proposal and Location	Demolition of existing bungalow & erection of 1 No. dwellinghouse with detached double garage, 6 Fitzwilliam Street, Swinton. S64 8RG
Recommendation	Grant subject to conditions

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



Site Description & Location

The site comprises of an existing detached property that lies off Fitzwilliam Street in Swinton. The site lies along the northern edge of Swinton Community School and lies to the rear of 3-5 The Larches.

The site has historically been used as a caretakers house to the school. It is understood that the school no longer requires the site which has been sold off for private development.

The development site is approximately 980 square metres in area (excluding the access) and is accessed from Fitzwilliam Street to the north east of the site, and then via a narrow single track access through Highfield Court. This linear access is also steeply sloping in parts.

The main site area for the development lies just outside of Swinton Conservation Area, with the north-eastern boundary with the Larches representing the edge of the Conservation Area. The majority of the access road lies within the Conservation Area.

Background

The site has limited previous planning history and has previously been used as a caretakers bungalow to the school to the south.

Earlier in 2020 application RB2020/0165 for 2no. residential properties was withdrawn after highway concerns were raised.

Proposal

The application is to demolish the existing bungalow and subsequent erection of 1no. two storey four bedroom detached dwelling with a detached garage in the northern section of the site.

The proposed replacement dwelling will use the same access that the existing bungalow uses. This is accessed via a long track which originates from Fitzwilliam Road. This is also shared by pedestrians.

During the course of the application, the position of the proposed dwelling has been amended to maximise the distance to the boundary with the nearest residential properties at the Larches.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 28th June 2018.

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

Local Plan Policies

CS3 Location of New Development
CS28 Sustainable Design
SP11 Development in Residential Areas
SP40 Listed Buildings
SP41 Conservation Areas
SP55 Design Principles

Other Material Considerations

South Yorkshire Residential Design Guide.

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 revised NPPF came into effect on July 24th 2018. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

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

Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties (22 April 2020). Ten letters of objection have been received, including from local Ward Councillors and can be summarised as follows:

- Parking and highway issues – the access road to the properties is shared by pedestrians going to Highfield Park as well as the adjacent school, (a route used by school children in particular).
- The building will cause significant distress to the residents of the nearby Anchor retirement scheme through noise, disturbance from increased noise and traffic.
- The majority of residents are elderly with the majority aged over 70. Some require the use of a mobility scooter.
- Further disruption during construction.
- The access route is steeply sloping and is often muddy. Development traffic would worsen this.
- A fire engine would not be able to access the site.
- A bin lorry is unable to get up the site.
- The property would destroy the existing tranquillity of the surrounding area.
- Any future properties are likely to further worsen traffic congestion and parking availability in this and the surrounding area.
- Loss of privacy to surrounding properties, particularly the adjacent bungalows on The Larches.
- Loss of sunlight to surrounding properties due to the large scale of the proposal.
- Some clearing of nearby vegetation has already taken place.
- There has been no consultation with adjacent landowners prior to the submission of the application.
- The proposal is not in keeping with the surroundings.
- The existing property contains asbestos.

Two residents have requested the Right to Speak.

Consultations

RMBC Transportation Infrastructure Service – Consider the impact of the proposed development to be neutral in comparison to the existing property and therefore have no objections

RMBC Environmental Health – no objections

Yorkshire Water – no objections

Appraisal

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

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

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

The main considerations in the determination of the application are:

- The principle of development
- Highway safety issues
- The impact of the proposed development on nearby residential properties
- The design of the proposal, impact on the street scene and character of the immediate surrounding area including the adjacent Swinton Conservation Area
- Other issues

Principle of development

The site lies within an area allocated for residential purposes in the Local Plan and as such policy SP11 'Development in Residential Areas, states that all residential uses shall be considered appropriate in these area and will be considered in light of all relevant planning policies.

The site is currently occupied by a detached caretakers bungalow which has now fallen into disrepair. However, the site is allocated for residential use in the Local Plan and the residential use of the site is established. Therefore a replacement residential dwelling is acceptable in purely land use terms.

Highway safety issues

The current application seeks permission to demolish the existing single storey dwelling and replace it with a new two storey dwelling and detached garage.

It is acknowledged that the existing vehicular access drive from Fitzwilliam Street is substandard and that pedestrians use the track to access the park and school. However it is necessary to consider that an existing single dwelling takes access along the same route as the proposed development. This access could be used should the existing bungalow be reoccupied and this would not require planning permission and therefore its use to access a single residential dwelling could not be controlled through the planning process. This established vehicular access has to be taken into account when considering the impact of the proposal in highway terms.

Therefore, based on the fact that the existing dwelling will be demolished and replaced with a single dwelling meaning that vehicular movements will be comparable, it is considered that the current proposal is “neutral” in traffic impact and road safety terms.

The Transportation Unit note that there was a previous application on this site to demolish the existing bungalow and build two new dwellings, (RB2020/0165). This was opposed on highway grounds and subsequently withdrawn as it represented an additional dwelling and therefore a more significant impact on highway safety. The plot can accommodate at least 3no. off road car parking spaces in addition to the detached double garage.

On this basis, it is not considered that there would be a greater detrimental impact upon highway/pedestrian safety as a result of the development.

The impact of the proposed development on nearby properties

In this instance the amount of land available for development is quite large (approximately 980sqm), though the majority of surrounding properties are also located within large plot sizes. It is also noted that the shape of the site tapers in from front to rear and is substantially wider at the front than at the rear. However, the rear amenity space available is above 380sqm which is well above the minimum spacing standards as recommended by the South Yorkshire Residential Design Guide. The proposed rear amenity space is similar to nearby residential properties at The Larches and therefore the scale of the proposed development is considered to be appropriate.

A number of objections refer to future dominance of the new property and the impact on residential amenity. In this regard a cross-sectional plan has been submitted showing the proposed relationship between the plot and the nearest properties at 4 and 5 The Larches given that these properties lie at a lower level. These spacing distances are approximately 19m from the garage and 24.9m from the side gable (at their nearest points). This is well above the

12m minimum distance as recommended in the SYRDG. It is acknowledged that the proposed development is of a greater scale than the existing property on site and that the relationship is between existing bungalows and a two storey property, however, the proposed dwelling has been amended to site it further south, as far as possible from those neighbouring dwellings and the proposed separation distances are considered to be such that there would be an unacceptable level of dominance/overbearing impact on the neighbouring properties.

The design of the proposal, the impact on the street scene and character of the immediate surrounding area including the adjacent Swinton Conservation Area

The plot is sited in a position where its views within any street scene are limited. It sits behind properties on the Larches and views from the Conservation Area will be limited as will views from Fitzwilliam Street and Highfield Court.

In general visual amenity terms, the NPPF notes at paragraph 124 that: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 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 taking into account any local design standards or style guides in plans or supplementary planning documents."

The properties to the east, at the Larches comprise of a mix of single storey bungalows, dormer bungalows and two storey properties. The properties have a range of styles, though they are generally characterised by detached properties and are usually set in moderately large plots.

As indicated above the site lies outside of the Swinton Conservation Area. However, policy SP41 'Conservation Areas' indicates that developments that will affect with setting of a Conservation Area will still be judged against this policy.

The proposal has a modern design which is two storey in scale. The materials of the proposal has a mix of a natural stone frontage and brick side and rear. The window fenestrations are generally large and elongated.

It is considered that the existing bungalow has a utilitarian design which is exacerbated by a palisade fence across the entrance of the site and this is not considered to enhance the adjacent conservation area. It is considered that the proposal has the potential to improve the appearance of the site by creating a high quality appropriate development which follows the scale and setting of the neighbouring dwellings. The development is also sited away from the boundary of the Conservation Area which will limit the impact upon it.

Furthermore, there is an opportunity to improve the existing boundary treatment as well as provide a replacement dwelling that would be of a significantly better architectural appearance. On this basis, it is considered that the proposed development would have a positive visual impact on the adjacent Conservation Area. Overall the design of the property is considered to be in keeping with the general character of the surroundings.

Swinton House Club is a Listed Building which lies approximately 70m to the east of the site. However, this does not have an adjacent boundary with Swinton House Club, being separated by existing residential garden areas and is not visible from the site. Due to these factors, the proposal is not considered to alter the setting of the listed building. The criteria within policy SP40 Listed Buildings is therefore not relevant and there will be no detrimental impact upon the existing Listed Building.

Other issues

In terms of drainage, Yorkshire Water have raised no objections to a replacement dwelling in terms of sewerage and drainage connections.

Whilst there is potential for noise and disturbance to surrounding properties during the construction phase, this is the case in all new developments. The Environmental Health Officer has raised no concerns from a noise and amenity perspective, subject to a condition to restrict construction hours to normal working day to minimise disruption to the surroundings. This is also for a limited period during the construction phase and it is not considered that the proposed development would result in unacceptable noise and disturbance in the longer term.

One objector raised the issue of asbestos being present within the existing caretakers house. This would not be a material planning issue but would be covered under separate Building Control legislation.

Conclusion

Overall the proposal for one replacement residential property on land allocated for residential purposes in the Local Plan is acceptable. The design and revised positioning of the house is considered acceptable in design terms and there will be no detrimental impact on the adjacent Conservation Area. Furthermore, it is not considered that there would be an unacceptable detrimental impact on residential amenity. Whilst it is acknowledged that the existing access is not ideal, the proposal has a neutral impact on highway safety grounds. The application is recommended for approval subject to 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 location plan, site layout GKD001 001 Rev A, corrected elevations GKD001 003 Rev A, floorplans GKD001 004 Rev A, garage plan GKD001 006 Rev A, street scene GKD001 002 Rev A)(received 22.04.20 and 10.06.20)

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place 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 Local Plan Policies and the NPPF.

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

Prior to occupation of the dwelling a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

06

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

Reason

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

Hours of construction

07

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

Reason

In the interests of residential amenity of nearby properties.

Informatives

The applicant is advised of the following

01

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

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

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

02

The applicant should also note that the demolition of the bungalow and any subsequent disposal of on site asbestos (if present) shall be carried out in accordance within any relevant Building Control regulations and/or Environmental Health guidance.

03

The Council recommends that during construction a “banksman” is employed to manage traffic movements along the narrow access track which is used by pedestrians.

POSITIVE AND PROACTIVE STATEMENT

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