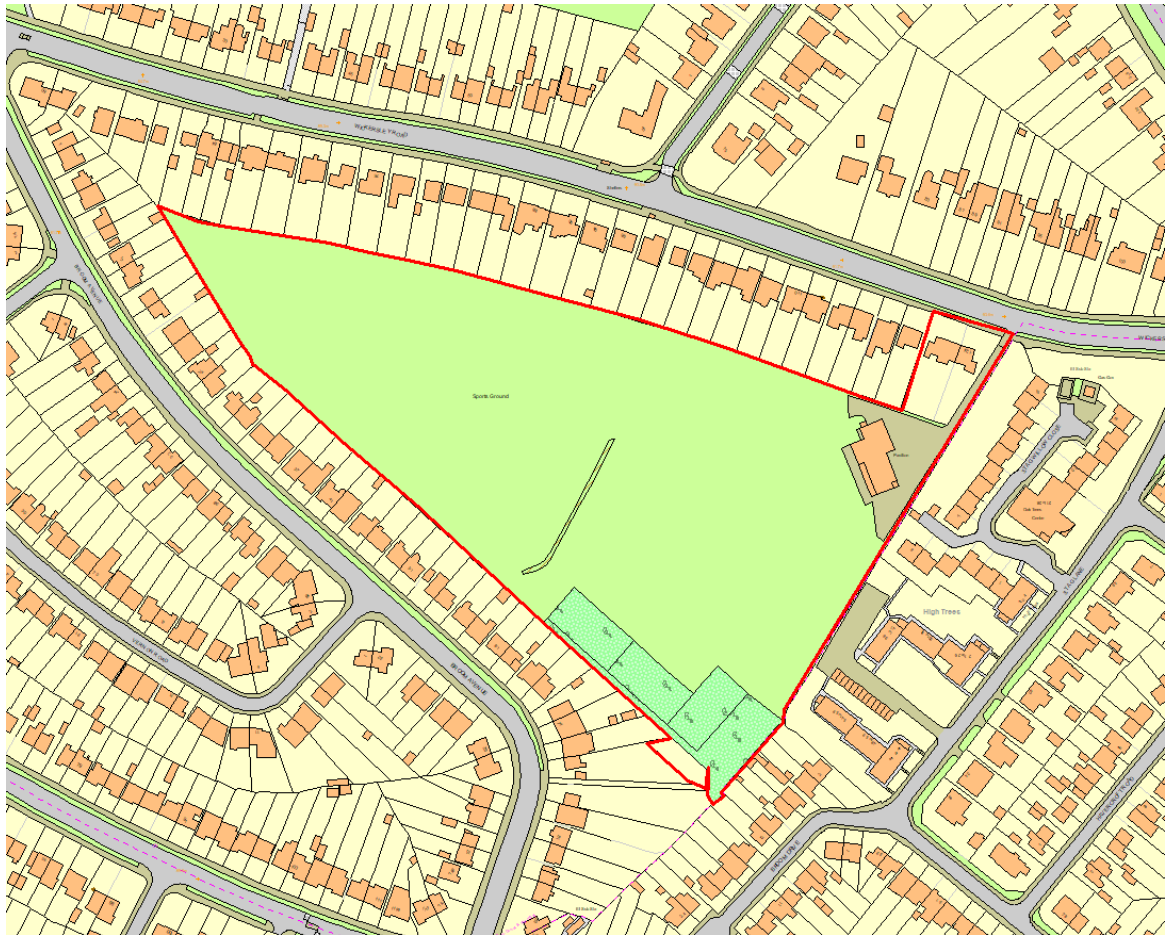


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 18 MARCH 2021**

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	RB2019/0539 https://rotherham.planportal.co.uk/?id=RB2019/0539
Proposal and Location	Demolition of 2 No. houses and erection of 116 No. dwellinghouses, landscaping, public open space & associated infrastructure, Pitches Sports Club, Wickersley Road, Broom
Recommendation	<p>A. 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"> • Financial Contribution of £912 000 towards offsite Playing Pitch Mitigation which also includes the funding of the a new Playing Pitch Strategy • Affordable Housing provision at 25% of the total site. Housing types and tenures include the following mix: 15no. two bedroom houses of which 9 should be for social/ affordable rent tenure, and 6 should be for shared ownership tenure. 14no. three bedroom houses of which 7 should be for social/ affordable rent tenure and 7 units should be for shared ownership tenure. • A Secondary Education contribution of £237,604 towards increased capacity of secondary education provision within the local area. • 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. • £500 per dwelling sustainable transport contribution. <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. In addition approximately 150 objections have been received.



Site Description & Location

The site comprises of a triangular shaped piece of land that is approximately 3.8 Hectares in area and is broadly level across the site. There is an existing vehicular access onto Wickersley Road in the north eastern side of the site. This is the only vehicular and pedestrian access to the site. It is intended to demolish properties nos. 122 and 124 (a pair of semi detached dwellings adjacent to the site entrance) in order to improve the access into the site.

Historically, the application site has been used as a sports ground with bowling green and tennis courts in the southern portion of the site. A pavilion was also shown to occupy the north eastern corner at this time. Historically, two further small pavilions were added to the adjacent tennis and bowling courts were present in the 1950s. In the 1970s earlier pavilions had been demolished and replaced with a much larger building.

The site was last used as football playing pitches with for Whiston Wildcats JFC. The applicant indicates that it has been vacant for in excess of 5 years, during which it has not been available for public or private use. This has also been confirmed by Sport England. Since approximately March 2019 access into the site has been prevented by Heras fencing from adjacent gardens and along the only access point at Wickersley Road.

Whilst the site has always been used as Greenspace, this is a facility that is private land with no official public access onto it. The facility has been closed for a number of years and the applicant has advised that there is no intention to reopen it for sports use as it has fallen into disrepair.

There are trees along the boundaries of the site which provide some screening to adjacent properties. Very few trees lie within the central section of the site.

Background

The site has the following relevant planning history:

RB1986/1340 – Extensions & alterations to sports/ social club & extension to car park – granted

RB1987/1667 – Demountable building for use as changing rooms – granted

RB1997/0612 – Outline application for residential development – refused

Reasons for refusal were as follows

01

The Council consider that this proposal is unacceptable as the site is allocated for urban greenspace purposes on the deposit version of the Rotherham Unitary Development Plan. Policy ENV5 of that plan states that 'The Council will seek to retain and enhance open space which is of importance from a recreation, conservation and amenity point of view, but which is not afforded Green Belt protection. Its development will only be allowed in exceptional circumstances. The Council consider that no such exceptional circumstances exist in this case and the proposal fails to meet any of the test criteria set out in Policy ENV5.1 which specifies the exceptional circumstances.

02

The Council considers that this proposal is contrary to the provisions of Policy CR2.2 of the deposit version of the Rotherham Unitary Development Plan, which states that 'Land presently used or last used for sports grounds, playing fields or allotment gardens will be retained for this purpose during the plan period' unless they fulfil the excepted criteria specified, none of which apply in this case'.

03

The Council considers that there is sufficient land allocated for residential development in the deposit version of the Rotherham Unitary Development Plan to satisfactorily accommodate the Borough's projected needs for at least five years without the need to develop this site.

04

The Council consider that the applicant has failed to provide sufficient information to demonstrate that the introduction of a new 'T' junction at Wickersley Road could be achieved without adversely affecting other traffic on the classified road and without prejudicing the possible future introduction of bus priority measures on this route. Additionally, there is insufficient information to assess whether there is sufficient visibility at the proposed access to Wickersley Road appropriate to vehicular speeds on the classified road and, consequently, vehicles emerging from the site into Wickersley Road

could present a potential source of hazard and obstruction to other traffic on this route which forms part of the Borough's principle road network.

RB2012/1608 – Formation of hard standing area to create additional parking – granted

RB2019/0119 – Temporary use of land for siting of offices & 6 No. storage containers – refused (but subsequently allowed on appeal, though with a temporary condition imposed)

In addition the applicant has previously had several rounds of pre-application discussions prior to the submission of this application. These discussions indicated that the main issues in any future application would revolve around the principle of establishing a potential residential use in policy terms and whether a new residential development can overcome the objections highlighted by Sport England and the Council's own policy and green space concerns.

EIA screening opinion

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed exceeds 150 and the site area exceeds 5ha. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

Accordingly, it is the Local Planning Authority's opinion, that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations.

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 a full planning application for a new residential development. The applicant, Newett Homes, are proposing a residential development comprising 116 new dwellings, which represents a net increase of 114 dwellings (following the demolition of 2no. existing dwellings on Wickersley Road), landscaping, public open space and associated infrastructure. The current proposal represents an amended scheme and reduction in the level of development from 124 dwellings to 116. The scheme represents an overall density in the range of 30 units per hectare.

The development would provide a mix of 2, 3 and 4-bedroom dwellings (12 house types in total). The scheme provides 29 affordable homes (25%) on site, comprising a mix of 2 and 3 bedroom house types. Affordable homes are “pepper-potted” in the clusters to the north, west and south of the Site.

House Type	Open/Affordable	Size	Number
A2	Affordable	2-Bed	15
A3	Affordable	3-Bed	14
N302	Open Market	3-Bed	6
N303a	Open Market	3-Bed	12
N303b	Open Market	3-Bed	16
N304	Open Market	3-Bed	20
N401	Open Market	4-Bed	3
N402	Open Market	4-Bed	7
N403a	Open Market	4-Bed	1
N403b	Open Market	4-Bed	5
N404	Open Market	4-Bed	9
N405	Open Market	4-Bed	8
TOTAL			116

Following several revisions to the initial proposal the layout shows the relocation of the Public Open Space to the south. The amount of public open space has been increased to approximately 6500sqm.

The following documents have been submitted in support of the application, and these are summarised below:

Design & Access Statement

- The Site is in private ownership and there is no prospect of it being brought back into use as playing pitches in the future. It has recently been cleared for redevelopment, except for a dilapidated sports pavilion/clubhouse.
- The site is in Broom, which is within the existing urban area of Rotherham. It is a highly sustainable location, which is entirely appropriate for residential development.
- Local schools, including Saint Bernard’s Catholic High School, Herringthorpe High School and Sitwell Junior School are within a 10-minute walk of the Site. There are sports pitches to the Site’s north-west: Quod | Land south of Wickersley Road, Broom | Planning Statement | March 2019 4 Herringthorpe Stadium (500m), Herringthorpe Playing Fields (800m) and Rotherham Town Cricket Club (1.5km).
- Herringthorpe Playing Fields comprise public football and rugby pitches, which are suitable for both junior and senior levels.
- There are several bus stops within a short walking distance of the Site (approx. 300m) on Wickersley Road. These provide frequent connections to Sheffield and Rotherham. Rotherham Central train station, (which connects to Leeds, Sheffield and Barnsley) is only an 11-minute bus ride from the Site.

- Application RB1997/0612 was made over 20 years ago, in an entirely different planning policy context to that which now exists.
- Furthermore, the Site was still in formal use as playing pitches at the time of the Application. The current proposals should be considered on their own merits and this previous refusal is not a relevant material consideration.

Business Case

A business case document has been produced in support of the planning application with justification for the permanent loss of the facility. This can be summarised as follows.

- The site has not been used for sporting purposes for over seven years. In fact, some of the amenities within the sports ground have not been used for over twenty-five years and the whole site is now overgrown and in a state of disrepair.
- Substantial works would be required to return the site to its former use.
- Justification will be provided to recommend mitigation in the form of a capital sum that would support the redevelopment of, and/or improvement in, the quality and quantity of sporting facilities at nearby sites in Rotherham under the management of the Borough Council.
- It is recognised that the site is not allocated for development within the existing Rotherham Metropolitan Borough Council Local Plan. In undertaking the research detailed within this document, and in the absence of a recent Playing Pitch Strategy produced on behalf of Rotherham Metropolitan Borough Council, discussions have taken place with national and/or local representatives of various governing bodies of sports.
- The site measures 3.8 hectares and has previously included:
 - A cricket pitch, with one non-natural grass wicket, the outfield of which was used for a hockey pitch by Rotherham Hockey Club until about 1990, and thereafter occasionally as a Junior sized association football pitch
 - An adult sized (11 a-side) association football pitch
 - A crown green bowling green
 - One tarmac surfaced lawn tennis court, without floodlighting
 - A sports club that provided two changing rooms and social amenities, with car parking.
- The cricket square has not been used for at least 14 years; since 2006. Previously, following the demise of RWSSA, it was occasionally hired by Wickersley Old Village Cricket Club for midweek and weekend matches.
- The association football pitch, together with an area of the cricket outfield was last hired by Whiston Wildcats Junior Football Club, but this club vacated the site in 2013 to move to Oakwood School.
- The crown bowls green has not been used since 1991, according to the former site manager, Ken Walton, and supported by Robert Molekin of South Yorkshire Crown Green Bowling Association.

- The last known use of the football pitch and outfield of the cricket pitch, together with the changing rooms within the sports club building, was in 2013, when hired by Whiston Wildcats Junior Football.
- Google Earth imagery for 1999 also indicates the green to be in a disused state. This also indicates that the area housing the tennis courts was in a disused state. The Lawn Tennis Association has no records of the court ever being registered for use.
- Based on Sport England's guidance there is a need to consider the five exemptions detailed. Under 'E1' the local authority has not produced a PPS within a reasonable timeframe. The last PPS was drawn up in 2009 and is therefore out of date.
- Significant changes to sporting requirements and the manner in which various sports are played have taken place since 2009.
- It is not possible to meet 'E2' because the proposed development would wholly affect the principal previous use of the site as a playing field.
- 'E3' cannot be met because the proposed development is on land that was, and could be returned to be, a playing field.
- It is believed that 'E4' - "The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development." – could be met within the Borough.
- There are no plans to replace on-site natural grass surfaced playing amenities with an artificial, man-made or composite surface. The present owners of the site have no intention to return it to a sporting facility.
- It is not a green space site that has ever had unrestricted public access and, in fact, if planning permission is granted increased public access will be provided to sections of the site.

Proposed mitigation offered

- £30,000 for provision of a Playing Pitch Strategy. The Council would commission this and once completed would give a more accurate calculation of future need.
- £295,000 for replacement Cricket pitch and field.
- £365,000 for replacement football facilities (£100 000 for football pitch and £265 000 for football changing facilities).
- £40,000 for a new bowling facility and
- £30,000 for tennis provision.

TOTAL £760 000 based on Sport England figures documented in other locations. This would be subject to a 20% contingency rate, giving total mitigation of £912 000 for loss of sports provision.

Transport Assessment (TA)

- The TA confirms that the Site is well located in terms of its proximity to existing key services and sustainable travel infrastructure. It further demonstrates that there is sufficient capacity in the local highway network to accommodate the trips associated with the development and the transport impact on the surrounding area would be negligible.
- The proposals maximise opportunities for sustainable travel through both 'soft' measures (such as the provision of up to date walking and cycling information), as well as the delivery of pedestrian and cycling links as part of the Site construction.
- The layout has been designed using the South Yorkshire Residential Design Guide and RMBC's minimum car parking standards;
- The junction to Wickersley Road (including visibility splays) have been determined by the findings of the TA;
- Forward visibility across highway bends is provided;
- The private drives/cul-de-sacs serving plots 49-56 have been designed to provide a turning head near the end of the road;
- Plots 74-81 are served from a link road designed to adoptable standards;
- Consideration has been given to the location of parking bays/drives to prevent certain plots from remoteness.

(following amendments to the layouts, some of the submitted TA details relating to specific plot numbers has now been superseded).

Preliminary Ecological Appraisal (2017 and 2019)

- There are several locally designated sites within 2km of the surveyed area although the closest, Aldwarke Sewage Works LWS, lies over 600m from the surveyed area. Therefore, there will be no impact on designated sites during the proposed development.
- The site comprises several low ecological value habitats common to sites of its type.
- The grassland on the site appears to be an area of grassland previously managed as amenity grassland that has remained unmanaged.
- The scattered scrub within the surveyed area predominantly comprises sparse scrub and ruderal species, including two invasive non-native plant species that are becoming established along the boundaries of the site and around the buildings.
- The remaining habitats within the surveyed area are man-made habitats that have suffered from high levels of vandalism and fire damage. Therefore, although the buildings provide some potential for bats and birds the habitats display a generally low ecological value.
- Overall the surveyed area provides a low ecological value due to the common and disturbed nature of the habitats present. The proposed development will have a direct impact on the habitats on site although the habitats present following the development will be similar and therefore the overall impact on the ecological value of the site will be low.

- The dense scrub located outside the surveyed area displays a higher ecological value due to the dense nature of the vegetation that will provide shelter for several fauna species. However, this habitat will remain unaffected by the proposed development.
- Ideally it is recommended that any site clearance works are carried out outside the nesting season, which extends from March to September each year.
- Any site clearance works that commence during the nesting season must be immediately preceded by a thorough nesting bird survey carried out by a suitably experienced surveyor. Any nests identified must remain undisturbed until the young have fledged from the nest.
- It is recommended that a further survey of the site is carried out during the late spring or summer, to accurately establish the extent of the invasive non-native plant species on the site.
- It is recommended that the following biodiversity enhancements are considered during the development, in line with NPPF.

Tree Survey

- All trees within the site boundary with a stem diameter above 75mm are included.
- Where applicable trees outside the site boundary, but close enough to be affected by the proposed development, are included.
- The trees on site collectively provide a limited visual amenity to the surrounding area. Occasional specimens have a high amenity value.
- The trees surveyed generally range in age from semi mature to mature, the younger trees generally forming hedge lines bordering the site either within third party property (garden) areas or within The Pitches along residential garden areas.
- There is no Tree Preservation Order (TPO) in force and that the site is not within a Conservation Area.
- The tree survey revealed a total of 82 items of vegetation (48 individual trees, 14 groups of trees and 20 hedges). Of these, 4 trees and 2 groups were identified as retention category 'A', 12 trees, 4 groups and 19 hedges were identified as retention category 'B', 29 trees, 6 groups and 1 hedge were identified as retention category 'C' and 3 trees and 2 groups were identified as category 'U'.
- Removals Irrespective of Development - G4, T9, T11, T23, an Elm within G28, G60 and the central tree within G76 have been recommended for removal for arboricultural reasons.
- The following items of vegetation will require removal; H2, H5, T12, T13, G14, T15, T17, H27 (partial removal), a Poplar within G28*, T34, T35, T36, G28, T47, T67* and T68*. (*G28, T67 and T68 are under third party ownership).
- Whilst the development will require the removal of trees, it should be noted that a planting scheme is included within the proposals. This will act to help mitigate tree losses, improve the visual benefits of the site and the surrounding area, and will improve the localised tree stock.

Flood Risk Assessment (FRA)

- The FRA confirms that the site falls within Flood Zone 1 and there is a low risk area of surface water ponding in the site.
- This is not a development constraint and can be managed within the drainage strategy. In addition, surface water disposal is considered in accordance with the drainage hierarchy in Building Regulations Part H 2010 and Planning Practice Guidance 'Reducing the causes and impacts of flooding', paragraph 080.

Archaeological Evaluation Report

- The archaeological evaluation will comprise the excavation of five trenches three of which will measure 2m by 50m (T1, T1 and T4) and two of which will measure 2m by 20m (T3 and T5).
- The trenches have been positioned to target all potential archaeological anomalies identified during the geophysical survey.
- Topsoil across the trenches will be stripped using a mechanical excavator fitted with a toothless, flat bladed, grading bucket, down to the first significant archaeological horizon or natural sub-soil. Spoil from mechanical excavation will be scanned by eye and by metal detector to aid the recovery of artefacts, and topsoil and subsoil will be stored separately.
- All excavation by mechanical excavator will be undertaken under direct archaeological supervision, by a suitably experienced and qualified archaeologist, with one archaeologist responsible for monitoring each excavator.
- An archaeological evaluation took place on the site in September 2019 with correspondence/supervision and meetings with South Yorkshire Archaeological Society.

Public Consultation

- A public consultation event took place on Wednesday 30 January 2019, between 14:00 and 19:00 at Wickersley Library. Around a week before the event, leaflets were delivered to in the order of 300 households and businesses in the local area to inform them of the public consultation. Representatives from Quod and JRP (architects for the scheme) attended.
- In the order of 100 people attended the consultation event. 33 consultation responses were submitted during the event and 13 further responses were received in written correspondence via email and post.
- The key themes arising from the consultation are summarised below:
 - Traffic / Access – The potential for increased traffic congestion and the safety of the proposed access arrangements was a key area of interest. Feedback suggested that Wickersley Road (and surrounding highways and junctions) are viewed as a heavily congested commuter routes; particularly at peak times. One resident was keen to see cycleways introduced into the internal road layout.
 - Green Space / Playing Pitches – Several respondents were not in favour due to the proposed loss of the Urban Green Space, its

associated former use as playing pitches, and/or the loss of the associated former sports pavilion.

- Trees and Ecology – Local residents expressed concern about the recent felling of trees and the potential impact of this, and future development, on local wildlife.
- Local Services and Infrastructure – Some respondents held concerns over increased pressure on local services e.g. schools and doctors' surgeries, resulting from the proposed development.
- Design / Layout – Some respondents held concerns over the density of the scheme. Other comments highlighted a lack of play space in the layout, shortage of parking spaces and proximity of the scheme to existing houses. One respondent supported the scheme's "high quality" housing design.
- Public Open Space – Most comments were based on the amount and/or quality of public open space provided, when compared to existing green space on Site. Other comments raised concerns that the proposed space would not be accessible to existing residents.
- Flooding and Drainage – Several respondents commented that flooding/drainage issues affecting the Site had not been sufficiently considered. Many highlighted the location of an existing dyke at the southern boundary as well as historic and ongoing issues of localised flooding (particularly at the south-west corner) e.g. due to changes in levels.
- Boundaries and Ownership - Several respondents queried the proposed boundary treatment and extent of the Applicants' ownership/control.
- Construction – Several visitors raised concerns regarding the impact on amenity during construction. This related to dust, Heavy Goods Vehicles and hours of operation.
- Affordable Housing – One respondent stated they did not support any affordable housing, whilst one stated they would like to see more provided. Some respondents had concerns regarding the location of the affordable housing in relation to their own properties.
- Other Comments – Local residents highlighted the potential for noise, light and/or air pollution, and general impact on amenity and house prices.
- Since the public consultation, several amendments have been made to the proposals to address concerns and respond to comments/suggestions.

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 as Urban Greenspace in the Local Plan and this allocation has been retained. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy 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
 CS21 Landscapes
 CS22 Green Space
 CS25 Dealing with Flood Risk
 CS28 Sustainable Design
 CS33 Presumption in favour of Sustainable Development

Sites and Policies

SP26 Sustainable Transport for Development
 SP32 Green Infrastructure and Landscape
 SP37 New and Improvements to Existing Green Space
 SP38 Protecting Green Space
 SP39 Design and Location of Greenspace, Sport and Recreation
 SP47 Understanding and Managing Flood Risk and Drainage
 SP52 Pollution Control
 SP55 Design Principles
 SP56 Car Parking Layout
 SP64 Access to Community Facilities

Other Material Considerations

The revised NPPF came into effect in February 2019. 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.

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide

Council's Car Parking Standards

RMBC Adopted Supplementary Planning Documents:

- SPD2 – Air Quality & Emissions
- SPD5 – Healthy and Equal Communities

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

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. Residents were further consulted in November 2020 following the submission of the latest revised plans.

Approximately 150 representations have been received and can be summarised as follows:

- Increased traffic congestion with associated increase in air and noise pollution.
- The impact of increased traffic in the surrounding areas, particularly between Wickersley Road and the access to the Motorway/Sheffield Parkway would result in detrimental impacts to the air quality.
- The development will worsen the air quality of this and the surrounding area which is already bad within the Rotherham area.
- The Pitches is a designated green space from the council's Local Plan and a registered asset of community value - which will impact negatively on residents quality of life, local wildlife, and likely result in substantial environmental issues.
- Rotherham MBC has an up to date Local Plan, which the proposal is clearly contrary to. It is designated for local green space, not for housing.
- National and local planning policies permit the loss of local green spaces under special circumstances. These include, amongst other things, where an assessment has been undertaken which has clearly shown that the site is surplus to requirements or proposed development would be replaced by equivalent or better provision in terms of quantity and quality. The proposal does not satisfy these requirements.
- The applicant states that the site has not been used for sporting activity or any other community use for over five years. This statement is not true - gates at the bottom of the surrounding gardens have been used to access the site for decades.
- The applicant has deliberately prevented use of the site for sporting purposes
- I would much rather see the land used for the development of sporting facilities for the local community.
- Rotherham has a high rate of obesity and the removal of green space will further encourage this.
- There are numerous other proposed sites in the councils own local plan for housing development, which are more appropriate places for new residential properties than a designated green space and asset of community value.
- The Borough Council can demonstrate that it has a supply of deliverable housing land to meet local housing need. The community does not require it, and the applicant has not been able to demonstrate the need for this development.

- At present RMBC has recommended 450 homes to be built on Lathe Road, approximately 225 on Sheep Cote Road, nearly 150 homes on Herringthorpe playing fields and 220 homes in Broom Valley. This means that in during the next few years, excluding the pitches development there will be over 1,000 new homes built within very close proximity to the site.
- Up to 250 additional vehicles will contribute significantly to pressure upon the existing road infrastructure.
- Significantly increase demands on local services including schools and GP practices - which are already over-subscribed or close to capacity. A further 124 houses would exacerbate this.
- Removal of established trees and wildlife would be removed.
- Wildlife which has already been harmed by previous vegetation clearance would be further harmed by the proposed development.
- increased risk of flooding due to additional concrete, tarmac, and block paving would possibly make it a lot worse.
- The site has already had some recent surface water flooding, particularly in the southern section.
- These plans have been rejected several times before, what has changed?
- Loss of privacy from new dwellings which have a poor designed and layout.
- The plans represent an unacceptable over development of the site and it would involve loss of the open aspect of the neighbourhood. The layout and siting, both in itself and relation to adjoining buildings, spaces and views, would be inappropriate and unsympathetic to the appearance and character of the local environment.
- The planned design of the houses is out of keeping with the surrounding area, which largely comprises of large semi-detached houses dating back to the 1930s.
- The gardens of any new development should match those in length to the existing surrounding plots.
- The development would worsen living conditions in and around the site.
- The site is an asset of community value and is well regarded by the local community.
- The site was previously well used by dog walkers until access was prevented by the use of fencing in March 2019.

In addition Sheffield/Rotherham Wildlife Trust have objected to the loss of Ecology on the site. Their objections have been included within the Ecology section of the appraisal below.

MP Rt Hon Alexander Stafford (whose constituency lies to the east and does not include this site) has also objected indicating the following:

- The proposal is contrary to Rotherham's Local Plan.
- The Core Strategy outlines that there is sufficient residential land available for the plan period.

- Sport England have indicated that the proposed mitigation is not adequate to offset the loss of the playing fields.
- This is not a sustainable development. It fails to create or improve high-quality local environment with accessible services; and supporting the community's general health, social and cultural wellbeing. It also fails to protect and enhance the natural, built and historic environment.
- The Whiston Wildcats were told that they would no longer be able to use the site by the landowner in 2015. The playing fields were being maintained, and even upgraded by the club, prior to this date.
- Neighbouring properties backing on the field, many having gates backing on the field, have been stopped from accessing the field for exercise and walking. Residents have been accessing the fields from the neighbouring properties for the last 80 years. My constituents want to see the playing fields benefiting the community for many years to come. Once these green fields are gone, they are lost forever.
- The community has tried, initially successfully, to list the site as an Asset of Community Value.

Several of the objections refer to non material planning considerations which are summarised below

- The land owner and developer are not local to Rotherham and the documents they have submitted show no concern or respect for local people or the Local Authority.
- The developer is likely to make a large profit on this development.
- Financial standing and ability of developer to complete the project.

A total of 1 no. representation has been received in favour if the scheme

- Currently looking to get on the property ladder as houses in the surrounding area are very limited and at a high price. This planned development offers new buyers a chance to get on the ladder by offering a shared ownership plan which can be very beneficial to people like myself.
- The site has not been used for many years now and it would be nice to see the site used to benefit people in the community.

Of the objections received, five Rights to Speak have been submitted from objectors against the proposal and the applicant has also requested the Right to Speak.

Consultations

RMBC

Policy – initial objection and recommendation for refusal, However, no objections are raised following the revised mitigation package set out as part of the S106 agreement

Leisure and Green Spaces Manager – no objections subject to conditions and mitigation package as part of the S106 agreement

Transportation Infrastructure Service – have assessed the proposals in line with relevant policies and guidance and consider the development to be acceptable subject to the imposition of conditions

Drainage – no objections to revised details subject to conditions

Ecologist – no objections subject to conditions

Environmental Health (Noise) – no objections subject to conditions

Environmental Health (Air Quality) – no objections subject to conditions

Affordable Housing Officer – no objections subject to agreed provision of 25% Affordable Housing as indicated within the S106 agreement

Landscape Design – no objections subject to conditions

Air Quality Officer – no objections subject to conditions

Tree Service Manager – no objections subject to conditions

External

Sport England – initial objection and recommendation for refusal, However, subject to the mitigation package via the S106 agreement, this will overcome the earlier concerns. Subject to the final wording of the S106 agreement, this will enable Sport England to overcome its objection

Yorkshire Water – no objections subject to conditions

Police ALO –_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.

Sheffield Wildlife Trust – objection on the loss of greenspace and the potential for loss of wildlife habitat.

NHS – no objections, there is currently enough GP capacity in the area.

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
- Design and layout
- Impact on neighbouring amenity
- Highway Safety and Transportation Issues
- Flood Risk and drainage
- Noise
- Affordable Housing and
- Other issues

Principle of development

The site has historically been allocated for Greenspace purposes and this allocation has been retained during the adoption of the Local Plan in 2018. One of the critical factors in determining this application is the principle of development and whether any compensatory provision via a S106 contribution for alternative sporting provision would represent acceptable mitigation in order to allow the development to meet the policies set out in the Local Plan and NPPF.

Paragraph 97 of the NPPF refers to loss of playing field and sport facilities.

Policy SP38 'Protecting Green Space' indicates that

"Existing Green Space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless:

a. an assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect the existing and potential Green Space needs of the local community. The assessment will consider the availability of sports pitches, children's play areas and allotment provision, to determine existing deficits and areas for improvement; or

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

c. the development is for alternative sports and recreational provision and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss."

A business case document has been produced in support of the planning application and this has been previously outlined in more detail in the proposal section within the paragraphs above. The site has not been used for

sporting purposes for over 7 years, and in some cases the amenities within the sports ground have not been used for over twenty-five years. It is acknowledged that the whole site is now overgrown and in a state of disrepair. Substantial works would be required to return the site to its former use to allow for a future sporting and recreational facility.

The applicant highlights the fact that the site is in private ownership and there is no prospect of it being brought back into use as playing pitches in the future. The Council acknowledges that owing to this long period of vacancy and land degradation, the land is unlikely to ever be used for pitch sports again.

A Playing Pitch Strategy (PPS) in the Local Authority area would provide more robust and detailed information as to identification of pitch requirements for cricket and other sporting needs within this area and the wider borough. Currently Rotherham MBC does not have an up to date PPS and therefore cannot fully assess the current and future needs within the Borough for sporting facilities.

Sport England have been consulted throughout the determination of the application and they have sought the views of the Football Foundation (FF) and the England Cricket Board (ECB) on the proposals and mitigation. It should be noted that as the playing field has not been used for sport for five years or more Sport England and as such they are now no longer a statutory consultee on the application. However, as the national consultee on playing pitch provision and uses, they have considerable experience on these applications and their view on the proposal is considered to be significant.

In terms of the lack of use and condition of the site, this is a site management issue by allowing a site to become overgrown and by not repairing nor maintaining the facility. Sport England note that the site could be made good, surfaces and facilities repaired, pitches marked out and brought back into use for sport and this would not require planning permission. Sport England have further indicated in initial correspondence that they are of the understanding that the sporting use of the site has been stopped, not by lack of demand, but by deliberate denial of access.

Sport England raised an initial objection to earlier forms of the submitted Sporting and Business Case document and were critical of the initial proposed mitigation (which was £300 000) as it was considered inadequate to overcome the loss of Greenspace in this location. The applicant subsequently offered mitigation of £565,000 which was also considered to be inadequate.

Sport England have further noted the findings of a previous planning appeal (Coventry Council, subsequently approved) ref: APP/U4610/A/12/2176169 which relates to the redevelopment of a playing field that had not been recently used for sport, where an Inspector held that:

“...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport...There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site....There is no definition of the word ‘existing’ in the glossary. Although the site is not currently in active use, it is capable of being used for that purpose for the reasons given earlier in my decision. There has been no argument that the land has any other lawful use...”

In that instance the Planning Inspectorate held that, in accordance with the Council's Local Plan Policy and National Planning Policy Framework, compensatory mitigation is necessary and should be provided as part of the scheme. But subject to satisfactory mitigation, the Planning Inspectorate held that the proposal was acceptable.

It the case of the Pitches it is noted that the site previously contained:

- A cricket pitch
- An adult size football pitch
- A crown green bowling green
- A tarmac tennis court
- Two change changing rooms and social amenities.

Local Plan Policy SP38 is clear in its requirement to protect existing Greenspace and states that existing greenspace should not be built on unless..... ***(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location...***

Extensive discussions have taken place with Sport England, FF and ECB to ascertain the cost of providing facilities of an equivalent or better value (compared to the facilities which existed and could be reopened at the site).

In addition to the replacement facilities and as mentioned above the Council do not have an up to date Playing Pitch Strategy to accurately prove firstly that the site is not surplus to requirements. The Playing Pitch Strategy would also accurately provide information regarding the demand for each facility and the location of new provision as set out in Local Plan Policy SP38.

In the absence of a Playing Pitch Strategy Sport England have advised on the cost of providing replacement facilities of an equivalent value to those existing (or which could be brought back into use). The cost of such mitigation is set out below and the applicant has subsequently agreed to this package of improvements:

- £30,000 for provision of a Playing Pitch Strategy (PPS). The Council would commission this and once completed would give a more accurate calculation of future need.

- £295,000 for replacement Cricket pitch and field (note that this does not include ancillary facilities, changing rooms, pavilion, maintenance and water supply etc)
- £365,000 for replacement football facilities (£100 000 for football pitch and £265 000 for football changing facilities)
- £40,000 for a new Bowling facility
- £30,000 for tennis provision

TOTAL £760 000 based on Sport England figures documented in other locations.

Sport England have noted that the above figure assumes that everything is known about any specific future replacement facility. As indicated above there are no specific scheme(s) proposed by the Council in the pipeline and the following concerns are therefore included which are likely to add further costs to any future project. These may include the following (and this may not be exhaustive list):

- Project specific details/information, poor ground conditions, difficult access, long service
- Connections to existing services
- Site remodelling, pump and sump systems and SuDS attenuation for natural turf pitches
- Inflation beyond 2021
- VAT
- Land acquisition costs
- Regional cost variations in materials and labour.

Accordingly taking the above into account, it is not only considered justifiable, but necessary that contingency costs of 20% are added into this. This is to ensure that any future projects are likely to be more financially viable, giving a new total of **£912,000**.

The proposed mitigation will therefore deliver a figure that is in excess of what it would cost to provide replacement sport facilities as detailed above.

The PPS produced need to be undertake by an independent consultant to ensure it is impartial. It should also specially include this site as a scenario and examine how the contribution is best spent.

Exception 4 of Sport England's playing fields policy permits the loss of playing fields if the playing field that would be lost as a result of the proposed development would be replaced by a playing field of equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

When assessed against this exception (which is consistent with paragraph 97(b) of the NPPF and Local Plan Policy SP38), the proposed mitigation would not entirely accord with the policy. This is because the evidence base which will inform how the financial contribution will be used, has not been prepared yet (although the applicant will pay for this) and therefore it cannot be certain that all the criteria in exception E4 can be technically met. However, Sport England is mindful of the following characteristics that relate to this site and the planning application:

- The application site is not currently in sporting use.
- The proposed mitigation is in excess of what it would cost to replace the sport facilities.
- The proposed mitigation is acceptable in principle to the FF and ECB.
- The mitigation figure will also include the provision of a PPS which will provide an up to date evidence base to determine how the mitigation should be spent.
- The PPS will also provide the Council with a borough wide assessment which can bring wider benefits to sport in Rotherham, such as aims and objectives for improving health and well-being and increasing participation in sport, the need to inform the development and implementation of planning policy, and the need to provide evidence to help secure internal and external funding.

Sport England considers that this is a finely balanced application. However, In view of the above considerations, they are satisfied that the proposed playing field mitigation would broadly meet the intention of exception 4 of our policy even though in its current form it may not meet all of the specific criteria in the policy for the reasons set out above.

Sport England is aware that negotiations are progressing by way of a legal mechanism to resolve their concerns. However, it is Sport England's default position to maintain its objection to this application on the basis that it will result in the loss of playing field, until a suitable Section 106 agreement, or other legal mechanism is delivered.

Sport England are involved in the wording of the Section 106 agreement currently being prepared and any application would not be formally approved until the final wording is signed.

From a Planning Policy and Green Space perspective, subject to the provision of alternative mitigation via the S106 agreement, this would comply with parts a and b of Local Plan Policy SP38 'Protecting Green Space'. In land use terms therefore the principle of the permanent loss of the site as Green Space has therefore been justified, subject to the final wording of the legal agreement.

In terms of the other matters of principle, the re-development of the site for housing would represent a windfall development site which will contribute to overall housing delivery within the Borough. All of the other design and layout issues will be assessed in the paragraphs below.

Design and layout and Impact on residential amenity

Adopted Rotherham Core Strategy Policy CS7 'Housing Mix and Affordability' states: *"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."*

The proposed layout provides a mix of 2, 3 and 4 bedroom properties and includes the provision of 25 % Affordable Housing to be provided on site. The Council's Affordable Housing Officer has no objection to the proposal in terms of mix and tenure of the housing proposed.

The adopted SPD 'Healthy and Equal Communities' raises awareness of the links between equality and health and wellbeing and includes a checklist to assist development proposals in considering these issues at the planning stage.

The Checklist has been submitted and assessed by the Council's Public Health department and deemed to be acceptable in this instance.

Policy CS21 'Landscape' states: *"New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."*

Policy SP32 'Green Infrastructure and Landscape' states: *"The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development..."*

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 application site is constrained by the fact that it is surrounded entirely by existing residential properties. The proposed development has been reduced in terms of the scale of the development and results in a proposal for 116 dwellings. The proposed layout comprises of a central access road with a number of cul-de-sac running from north to south. The site slopes gradually to the south and the proposed Green Space within the site is in linear form along the southern boundary. This provides for some additional separation with the properties on Broom Avenue. The layout takes advantage of the linear open space with elevations facing directly on to this area to provide natural surveillance and allow for considerable landscaping within this area of the site.

The access to the site and the position of existing properties entirely around the site boundary mean that the proposed development does not form a part of an existing street scene and therefore the requirement for the proposed dwellings to fit in with a certain architectural style is not as crucial. Notwithstanding that the proposed dwellings are modern but have regular fenestration and are consistently 2 storeys in height. The

Policy SP 37 ‘New and Improvements to Existing Green Space’ indicates that *“...a. Residential development schemes of 36 dwellings or more shall provide 55 square metres of Green Space per dwelling on site to ensure that all new homes are:*

- i. within 280 metres of a Green Space; and*
- ii. ideally within 840 metres of a Neighbourhood Green Space (as defined in the Rotherham Green Space Strategy 2010); and*
- iii. within 400 metres of an equipped play area.”*

In terms of new Public Open Space provision, the revisions show a decrease in the number of dwellings to 116 (an overall net increase in 114) which equates to a policy requirement of 6380sqm of onsite POS provision as outlined in SP37. In this case the reduction in units has been followed by an increase in POS giving an approximate total of 6500sqm, which is in excess of the minimum recommended provision. It therefore accords with Local Plan Policy SP37.

In terms of the location of the POS, this is now a more elongated shape that when originally submitted and this acts as a walkway and playing area. A proposed LEAP (Local Equipped Area for Play) is sited within the central area of the POS. The eastern end of the POS is now better overlooked by housing plots and this is welcomed by the Green Spaces Manager as well as the Landscape Team.

The position of the POS is considered to be adequately incorporated within the development and is satisfactory overlooked by surrounding plots whilst providing a buffer to nearby residents located on Broom Avenue immediately to the south of the site.

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 phase of development comprise of a mixture of 2, 3 and 4 bedroom dwellings. The site is located adjacent to existing residential properties on nearly all of its external boundaries.

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. All of the indicative house types proposed are shown to adhere to these space standards and each dwelling will have private rear gardens.

The revised plans show a spacing distance of minimum 10m between all new and existing properties. This meets the standards set in the SYRDG and is considered a sufficient distance to minimise the potential for overlooking to existing properties.

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

In conclusion, the development achieves minimum spacing standards and it is considered that the revised proposals represents a contemporary design that achieves satisfactory densities whilst maintaining sufficient garden areas, spacing distances to existing properties and full compliance with POS provision. The layouts, design, and housing mix is considered to be in accordance with the advice within Local Plan Policies CS28 'Sustainable Design', SP37 'New and Improvements to Existing Green Space' and SP55 'Design Principles' as well as 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."*

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."

The Transportation Unit have assessed the submitted details, including the Transport Assessment (TA) from the original submission along with the amendments.

Trip generation and distribution

Trip rates for the originally proposed 124 No. dwellings have been derived from the TRICS database and traffic distribution has been assigned based on existing journey to work data. This suggests that 66% of traffic will arrive/depart via A6021 Wickersley Road east via Stag Roundabout, 22% of which will arrive/depart northbound along Herringthorpe Valley Road, 0% along Brecklands, 16% will arrive/depart eastbound along Wickersley Road and 28% will arrive/depart southbound along Herringthorpe Valley Road.

Of the 34% of trips which arrive/depart the site in a westbound direction, all trips are expected to approach the Wellgate/Clifton Lane/Badsley Moor Lane/Broom Road roundabout.

Based on the above analysis, the "Stag Roundabout" will experience 48 and 53 two way vehicle movements in the AM and PM peak respectively. Fewer than 30 No. two way trips reach the Clifton Lane roundabout in both the AM and PM peaks such that modelling of this junction will not be required.

In terms of pedestrian accessibility a 2km walking catchment from the site includes local schools, cafes, shops around the Stag roundabout. Footways and crossings make pedestrian access good. Public transport is assessed in the Transportation Assessment which states that the site is accessible by public transport and this is accepted with regular services to Rotherham, Maltby, and Worksop as well as Meadowhall and Sheffield. However, no consideration has been given to the spare capacity of the services available.

In addition, a 5km cycling catchment area from the centre of the site includes the entirety of Rotherham, Dalton, Woodlaithes and Brinsworth.

Road safety

Recent accident records show that there were a total of 11 collisions which occurred at the Stag roundabout, 2 of which were recorded as serious, 1 involved a pedal cycle and 4 involved a pedestrian. The total number and type of collisions recorded are not considered to be exceptional for a location of this type. While accident risk may increase with changes to the traffic flow characteristics or volumes, the potential increase in vehicle trips generated by the development is not likely to materially affect the road safety record on the local highway network as a proportion of the total number of trips.

In terms of enhancing sustainability in transport terms a sustainable transport contribution of £500 per dwelling is included within the Section 106 Heads of Terms to provide measures to encourage residents to travel sustainably.

As mentioned above, the number of dwellings has been reduced from 124 to 114 (net), a revised layout has addressed issues that were raised previously and a Highways Technical Note dated 5th February 2020 submitted. Whilst there were concerns raised originally regarding the impact on The Stag roundabout during Peak hours, the revised Technical Note considers further the likely traffic impact of the development at Stag Roundabout which will be reduced as a consequence of the reduction in the number of dwellings.

The Technical Note concludes that the impact of the development traffic at the Stag Roundabout will not be severe and that any junction improvements in this location would effectively provide an over engineered intervention that would be unnecessary to mitigate queues on a single arm of a five arm roundabout over a short period. In this respect, the Transportation Unit remain of the view that the intended increase in traffic expected to depart the site via Stag Roundabout in the AM peak is material and will increase queuing and delay. However, the Transportation Unit do not consider there to be a justifiable case to refuse planning permission on highway grounds, subject to a S106 Agreement safeguarding the contribution of £500 per dwelling for sustainable transport measures, along with conditions to secure EV charging points.

The applicant has confirmed that in respect of sustainability they are to contribute £500 per dwelling to the Council via a s106 legal agreement which will be invested by the Council in initiatives aimed at improving the sustainability of the site by promoting cycling, walking etc. as well as monitoring the number and types of trips to ensure that car trips are minimised. A Travel Pack will also be provided for residents in the form of an introduction pack to the area with information on buses, trains, cycle and walking routes, local facilities such as schools, doctor's surgeries and other local facilities (shops, parks etc.)

Overall the site has reasonable access to public transport and local facilities, being within easy walking distance to existing bus stops located on Wickersley Road.

Taking all of the above into consideration, it is acknowledged that this development is likely to increase traffic onto Wickersley Road and in particular the Stag roundabout. However, it is not considered that the proposed development will have a detrimental impact upon highway safety and on balance the proposal complies with Policies CS14 and SP26 and the guidance within the NPPF.

Public Rights of Way

A number of the objectors have indicated that they have walked over this site in the past, the land owner has indicated that there is currently (or previously) no authorised public access to the site and no public rights of way are affected by the development. In addition, there are currently no claims over the site.

Flood Risk and drainage

The site is located with Flood Zone 1 but given the size and scale of the development there is potential for increased surface water flows through the development that could impact on future residents of the scheme and existing residents of neighbouring properties. As such, a flood risk assessment and drainage details have been submitted in support of the application.

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.”*

Details relating to the proposed drainage of the site has been submitted in support of this application and several additional technical details were submitted. The Drainage Officer welcomes the changes from the original site layout which will provide maintenance access to the watercourse along the south west site boundary.

The proposed attenuation tank has been significantly increased in size and the Drainage Officer is now satisfied that the drainage proposals will mitigate the effects of the development sufficiently to avoid increasing downstream flood risk. Accordingly it is considered that the latest proposed details are acceptable on drainage grounds, subject to conditions.

Likewise Yorkshire Water have raised no objections, subject to standard conditions.

Ecology / Biodiversity

Paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

Policy CS20 ‘Biodiversity and Geodiversity’ states: *“The Council will conserve and enhance Rotherham’s natural environment. Biodiversity and geodiversity resources will be protected, and measures will be taken to enhance these resources ...”*

Policy SP33 ‘Conserving the Natural Environment’ states: *“Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery...”*

Policy SP35 ‘Protected and Priority Species’ states: *“Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced.”*

Sheffield Wildlife Trust acknowledge that this application is not on a site designated for wildlife value and that the Ecological Appraisal does not highlight the site to be of a significant high wildlife value. However, the Site still does have value for wildlife and as an open green space for local people. SWT note that a smaller amount of public open space is proposed in the new housing development. However, this will not be as accessible to the existing local residents.

SWT also note that *"...a number of trees were felled prior to the submission of the application. A Preliminary Ecological Appraisal was submitted though it looks like a number of the boundary trees were removed before Christmas 2018, prior to both the updated Ecological Appraisal (January 2019) and the Arboricultural Report (March 2019)...It looks like ecological advice was not followed."*

Several local residents have expressed concern that there was a detrimental impact on wildlife from the removal of these trees – including potential impacts on owls, bats, hedgehogs, birds and foxes. It is now not possible to quantify this, but I am concerned about the approach taken by the developers. No removal of trees should have taken place before proper assessment."

SWT have queried why the Public Open Space could not be made available to existing residents that surround the site, potentially by opening the private access from Broom Avenue.

Policy SP36 'Soil Resources' states, in part, that: *"Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority..... Built development should be designed and sited with an appreciation of the relative functional capacity of soil resources and threats to soils with the aim of preserving or enhancing identified soil functions. Measures to incorporate green space and sustainable drainage elements that retain permeable surfaces, allow water infiltration, reduce soil erosion and maintain natural soil functions will be supported. Measures that waste soil resource, reduce soil quality, compact or pollute soils or that create a predominantly impermeable surface should be avoided."*

The proposal includes areas of green open space and sustainable drainage methods are to be used. For this reason it is considered appropriate that the submission of details of the quality of soils on site and their movement and temporary storage during construction is conditioned to ensure that the character of the soil to be conserved is done so as part of a Construction Management Plan.

The Council's Ecologist has assessed the submitted Ecological Appraisal and notes that the phase 1 survey was undertaken outside of the optimum time of year. The bat survey work was carried out in 2017 and 2019 and did not encounter bat roosts within the pavilion building. Taking the above concerns into consideration, overall it is concluded that subject to conditions requiring

the scheme to be carried out in accordance with the recommendations set out within the Ecological Appraisal, the development would not adversely affect biodiversity and will provide net gains for biodiversity, through increased planting on site, the provision and bat and bird boxes throughout the site. Accordingly, the scheme would be in compliance with paragraph 170 of the NPPF and Local Plan policies CS20 Biodiversity and Geodiversity'; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species'.

The site does not have any existing points of access other than from Wickersley Road to the north east. Regarding the loss of the public access, it and has been re-iterated a number of times from the applicant's agent that the land is within private ownership and has never had any public right of way into or across it. Any public use of the site that has taken place has been unauthorised.

Overall, subject to conditions to improve biodiversity it is considered that this aspect of the proposal is considered acceptable.

Trees

The trees on site collectively provide a limited visual amenity to the surrounding area as the majority of the site is gated and not viewable from the public realm. The site does have some specimens that are considered to have a high amenity value. The trees surveyed indicate that they generally range in age from semi mature to mature, the younger trees generally forming hedge lines bordering the site either within third party property (garden) areas or within The Pitches along residential garden areas.

None of the trees within or adjacent to the site are subject to a Tree Preservation Order (TPO) and that the site is not within a Conservation Area. The tree survey revealed a total of 82 items of vegetation (48 individual trees, 14 groups of trees and 20 hedges). Of these, 4 trees and 2 groups were identified as retention category 'A', 12 trees, 4 groups and 19 hedges were identified as retention category 'B', 29 trees, 6 groups and 1 hedge were identified as retention category 'C' and 3 trees and 2 groups were identified as category 'U'.

Some of the trees have been recommended for removals irrespective of Development – these include 7 no. trees (G4, T9, T11, T23, an Elm within G28, G60 and the central tree within G76). A further 16 no. trees would require removal or partial removal as part of the development (H2, H5, T12, T13, G14, T15, T17, H27 (partial removal), a Poplar within G28, T34, T35, T36, G28, T47, T67 and T68). The vast majority of these trees are in the north eastern area of the site and are to enable access into the site.

Whilst the development will require the removal of trees, a planting scheme is included within the proposals. This is considered to satisfactorily mitigate tree losses and provide an overall net gain of tree coverage across the site.

Visually this is considered to improve the localised tree stock. A final tree and landscaping scheme is recommended to be conditioned.

Noise, Air Quality and Pollution 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."*

In respect of amenity there are two elements

- i) the impact of the construction phase on existing local residents; and
- ii) the impact of the development once constructed on the amenity of both existing local residents and future residents of the site.

Impact of the construction phase on existing local residents:

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds and staff parking; measures to deal with dust and mud on the highway; and details of hours of construction and deliveries. It is noted that construction traffic will access the site from Wickersley Road which will then be used once the development has been completed. No other accesses will be created.

Impact of the development once constructed on the amenity of both existing local residents and future residents of the site

With regard to the impact of the dwellings once constructed on the occupants of surrounding properties, it has previously been noted that spacing distances between elevations of the proposed dwellings and the rear boundaries and rear elevations of existing surrounding properties satisfies the requirements outlined within the South Yorkshire Residential Design Guide in that there is at least 21 metres between principle elevations and at least 10 metres between principle elevations and boundaries.

Environmental Health have raised no objections to the scheme from a noise aspect. Overall the proposed development is acceptable and in accordance with the provisions of policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

Air Quality

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

NPPF states at paragraph 110 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Turning to the Air Quality aspects, the Air Quality Officer is satisfied with the Air Quality Report and subject to conditions this aspect is considered satisfactory.

It is recommended that 10% of the parking spaces are provided with EV charging points which shall be managed and maintained throughout the lifetime of the development. These should be available for use for all future occupants of the development.

Pollution Control

The Pollution Control Officer notes that no industrial land uses have taken place at the application site or on adjacent surrounding land that could give rise to significant land contamination.

During 2016 intrusive site investigation works were undertaken to determine if any significant soil contamination associated with the historical uses of the site could impact on a proposed residential redevelopment of the site.

Overall the Pollution Control Officer considers there is very low risk to the future users of the site from potential site contamination. However, the past site investigation works are now considered dated and final limited site investigation should be undertaken to confirm the findings above. It is recommended that this be conditioned.

Affordable Housing

With regards to affordable housing provision Policy CS7 'Housing Mix and Affordability' states in part, that: "Sites of 15 dwellings or more..... shall provide 25% affordable homes on site."

In this case the Affordable Housing Officer has indicated that the revised offer outlines 25% Affordable Housing on this site, which complies with the planning policy requirement. Fifteen of the affordable housing units are two bedroom houses of which 9 should be for social/ affordable rent tenure, and 6 should be for shared ownership tenure. Fourteen of the affordable housing units are 3 bedroom houses of which 7 should be for social/ affordable rent tenure and 7 units should be for shared ownership tenure. The unit and tenure mix have been agreed with the developer.

All units should conform to space standards outlined in the South Yorkshire Residential Design Guide.

This is in addition to Community Infrastructure Levy (CIL) payments along with the mitigation package for loss of playing pitches. 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.

Education

The Council's Education department have indicated that a financial contribution is required towards Secondary school provision in the area (with Herringthorpe St Bernards and Wickersley College being at or over capacity) and this will be secured via a s106 agreement.

The contribution to be paid to the Council for education provision from this site would equate to £237,604 based on the Council's current adopted formulae.

Archaeology and Trial Trenching.

Following the initial application submission, an Archaeological Evaluation was produced following trial trenching and subsequent meeting between the applicant's consultant (CFA Archaeology) and South Yorkshire Archaeology Service (SYAS)

on the 3rd September 2019 to discuss the results.

The AE confirms minimal remains of negligible significance were found. SYAS confirmed in the meeting with CFA that no further archaeological fieldwork will be required.

SYAS have subsequently confirmed there are no objections to the proposals following the investigative trial trenching work that took place in 2019, with no further conditions recommended.

Sheffield Area Geology Trust has reviewed this planning application and has raised no objections.

Coal Authority

A Coal Authority Mining Report also identified that the application site is in area where the Shafton Coal Seam is at or close to the surface of the site and that site investigations would be required to determine if the coal had been extracted between the north and north eastern parts of the site. Intrusive site investigations have subsequently been carried out comprising of 17no. trial pits. Based on the findings of these works, whilst coal seams were found present and the supporting document concludes that there was no evidence that these have been worked / extracted.

Therefore based on the professional opinion of Eastwood & Partners Consulting Engineers the Coal Authority have raised no objections subject to an informative.

Other considerations

The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. A condition is recommended that would address this matter.

The NHS have not raised any objections to the application as the surrounding area currently has sufficient GP capacity.

Conclusion

The site allocated as Greenspace in the Local Plan. However, following many years of vacancy, it is acknowledged that the land is unlikely to be used for future playing pitch sports. This is compounded by the site being within private ownership with no mechanism to open the site up for public access.

The site is not allocated for residential use, but the proposal would represent a windfall site for new housing. The development plan position is that the site should be retained as Green Space unless it is surplus to requirements or in the event that equivalent or better provision of Greenspace is provided as replacement facilities. In this regard a mitigation package has been offered of £912 000 towards the provision of a Playing Pitch Strategy and subsequent alternative sports provision, it is considered that this would represent adequate mitigation in order to offset the permanent loss of the private sports facility.

The Transportation Unit concluded that this development is likely to increase traffic onto Wickersley Road and in particular the Stag roundabout. However, it is not considered that mitigation of this is required given the level of vehicular movements and it is not considered that the proposed development will have a detrimental impact upon highway safety.

The revised proposal would meet the Councils normal spacing standards in order to safeguard amenity of existing and proposed residents. Revised Drainage, Air Quality, Landscaping proposals are also considered acceptable.

The revised layout of the site is considered to offer an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The Public Open Space provision within the development site is considered to be of a satisfactory size and position within the development.

The application is recommended for approval subject to conditions and the signing of a s106 agreement for the provision of 25% affordable housing on site, education provision, and management of the Public Open Space.

Conditions

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

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

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 and to assist in the delivery of development.

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	– Dwg No. P18:5174:02 - A
SITE LAYOUT	– Dwg No. P18-5174-01
STREET SCENES	– Dwg No. P18-5174-08
SITE SECTIONS	– Dwg No. P18-5174-09
MATERIALS PLAN	– Dwg No. P18-5174-10
LANDSCAPE PLAN SHEET 1	– Dwg No. P18-5174-101
LANDSCAPE PLAN SHEET 2	– Dwg No. P18-5174-102
LANDSCAPE PLAN SHEET 3	– Dwg No. P18-5174-103
SITE ACCESS ARRANGEMENTS	– Dwg AMA/20214/ATR009
DRAINAGE STRATEGY	– Dwg 18108-100

BOUNDARY DETAILS

1.8M BRICK WALL	– Dwg No. P18-5174-04
1.8M TIMBER FENCE	– Dwg No. P18-5174-05
TIMBER KNEE RAIL	– Dwg No. P18-5174-04

House Types

HOUSE TYPE A2	– Dwg No. P18-5174-15
House Type A2	– Dwg No. P18-5174-16
HOUSE TYPE A3	– Dwg No. P18-5174-17
HOUSE TYPE A3	– Dwg No. P18-5174-18
HOUSE TYPE N302	– Dwg No. P18-5174-19
HOUSE TYPE N302	– Dwg No. P18-5174-20
HOUSE TYPE N303a	– Dwg No. P18-5174-21
HOUSE TYPE N303b	– Dwg No. P18-5174-22
HOUSE TYPE N304	– Dwg No. P18-5174-23
HOUSE TYPE N304	– Dwg No. P18-5174-24
HOUSE TYPE N401	– Dwg No. P18-5174-25
HOUSE TYPE N401	– Dwg No. P18-5174-26
HOUSE TYPE N402	– Dwg No. P18-5174-27
HOUSE TYPE N402	– Dwg No. P18-5174-28
HOUSE TYPE N403a	– Dwg No. P18-5174-29
HOUSE TYPE N403a	– Dwg No. P18-5174-30
HOUSE TYPE N403b	– Dwg No. P18-5174-31
HOUSE TYPE N403b	– Dwg No. P18-5174-32

HOUSE TYPE N404	– Dwg No. P18-5174-33
HOUSE TYPE N404	– Dwg No. P18-5174-34
HOUSE TYPE N405	– Dwg No. P18-5174-35
HOUSE TYPE N405	– Dwg No. P18-5174-36
HOUSE TYPE N405	– Dwg No. P18-5174-37
HOUSE TYPE N313	– Dwg No. P18-5174-38
HOUSE TYPE N313	– Dwg No. P18-5174-39
GARAGES	– Dwg No. P18-5174-07

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.

Highways

04

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

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

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

Reason

To ensure that surface water can adequately be drained and 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 any above ground development, road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

06

Prior to the occupation of the dwellings, details of one vehicle charging point per dwelling shall be submitted to and approved by the local planning authority. The dwellings shall not be occupied until the charging point has been provided, and shall thereafter be retained.

Reason

In the interests of sustainable development and air quality

Drainage

07

Construction of roads or dwellings shall not begin until 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 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;
- The limitation of surface water run-off to a maximum of 13.95 litres/second;
- 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.

08

Construction of roads or dwellings shall not begin until 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.

09

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.

10

The development shall be carried out in accordance with the details shown on the submitted plan, 100 (revision P04) dated 03/04/2020 that has been prepared by Dudleys Structural & Civil Consultants, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage.

Landscape

11

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

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

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with the Local Plan.

12

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

13

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.

Trees and Woodlands

14

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site in accordance with the submitted Arboricultural Assessment has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/ site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Timing and phasing of works
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

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.

Ecology

15

The development shall be carried out in accordance with the recommendations set out in the submitted Ecological Appraisal Report, (prepared by Middleton Bell Ecology, January 2019), which include:

- Retention of and planting of new hedgerows
- Biodiversity enhancement
- Suitable lighting scheme
- Provision of bat boxes
- Hedgehog gaps in fencing
- Vegetation removal outside bird nesting season
- Provision of bird boxes

Thereafter such measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

Construction Management Plan

16

Prior to the commencement of any works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for: Hours of operation & Deliveries, Routing of construction traffic / Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff in addition to measures to prevent the deposition of mud within the public highway and location of site compounds and security fencing.

Reason

In the interests of road safety and to protect the amenity of nearby residents.

Ground Conditions/Land Contamination

17

No development shall commence until intrusive site investigations have been carried out on site 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.

18

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

Reason

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

Hours of construction

19

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.

Communication

20

Details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF.

Informatives

Yorkshire Water

01

- 1) The proposed separate systems of drainage on site with combined off-site.
- 2) The proposed amount of domestic foul water to be discharged to the public combined sewer network.
- 3) The proposed amount of curtilage surface water to be discharged to the public combined sewer network at a restricted rate of 14 (fourteen) litres/second.
- 4) The proposed point of discharge of foul and surface water to the public sewer to the south of the site.

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

Coal Authority

02

The Coal Authority considers that the content and conclusions of the Phase 1 (39408-001, dated 29 January 2016) and Phase 2 Report (ref: 39408-002, dated 25 July 2016) are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development as per requirement of the NPPF paragraphs 178 - 179.

However, it is noted that specific foundation design may be required however foundation design / gas protection measures can be dealt with as part of any subsequent building regulation application.

South Yorkshire Police

03

It is recommended that the development is designed and built to Secured by Design standards (www.securedbydesign.com). It is advised that:

- The footpaths that gives access to the rear of the properties has a lockable gate as near to the front building line as possible.
- Landscape should be kept low, to aid surveillance across the site.

04

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

05

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.

It is recommended that any vegetation clearance (includes all ground level vegetation as well as standard trees and scrub) undertaken within the site is conducted outside of the breeding bird season (March – end August inclusive) or in accordance with checking surveys undertaken by appropriately qualified ecologists prior to and during the construction phase of the development.

06

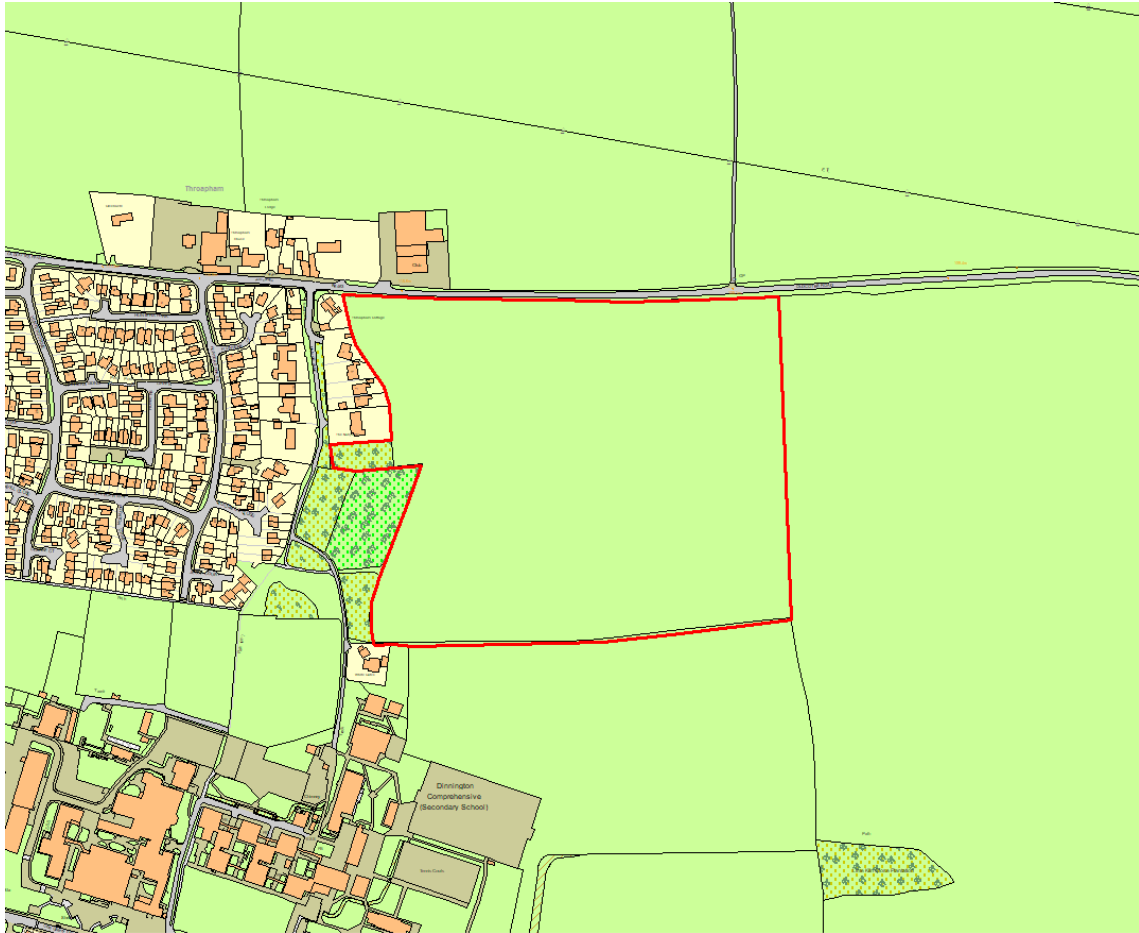
The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent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

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	RB2020/1346 https://rotherham.planportal.co.uk/?id=RB2020/1346
Proposal and Location	Erection of 285 dwellinghouses with public open space, landscaping and construction of new access road at land at Oldcotes Road, Dinnington
Recommendation	<p>A) That the Council enter into a deed of variation to the 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"> • 70 affordable housing units on site • Financial contribution of £69,558 towards off-site affordable housing provision • Financial contribution of £142,500 towards sustainable travel measures to support the development • Financial contribution of £28,000 towards the maintenance and protection of Throapham Orchard • Provision of a suitable and agreed equipped play provision on site • Financial contribution of £666,125 towards education provision in the area. • Establishment of a Management Company to manage and maintain the areas of Greenspace and inspect and maintain the equipped play area on site. <p>B) Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



Site Description & Location

The site is approximately 11 hectares in area and comprises of previously undeveloped arable agricultural land and lies on the south side of Oldcotes Road on the eastern edge of the settlement of Throapham and to the east of Manor Lane.

The site is roughly rectangular with an arm of land extending towards Manor Lane. The northern boundary is formed by Oldcotes Lane and an existing hedgerow and trees. To the west, the northern part of the boundary is formed by residential dwellings off Manor Lane and the remaining part of this boundary is formed by Throapham Orchard, which is identified as a priority habitat

To the south are playing fields associated with Dinnington High School. The site comprises part of a larger arable agricultural field which extends beyond the eastern red line boundary of the application site. The arable land to the east up to the established hedgerow on Leys Lane is identified as 'Safeguarded Land' for future residential development.

Background

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

EIA screening opinion

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed exceeds 150 and the site area exceeds 5ha. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

Accordingly, it is the Local Planning Authority's opinion, that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations.

CIL

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

Proposal

The proposed development comprises 285 residential units with green infrastructure comprising public open space, peripheral landscape buffers / planting and sustainable drainage systems (SuDS). A single main point of access is proposed from Oldcotes Road, with a second shared private drive access point providing access to six properties only.

It should be noted that during the assessment of the application and at the request of Officers, a dwelling has been removed from the original plans to provide a larger area of public open space within the centre of the site to provide adequate play provision.

Footpath links will be provided in the northern boundary of the site close to the north-east corner of the site adjacent an existing Public Right of Way which is on the opposite side of Oldcotes Road. A further link into the Orchard in the south-west corner is also proposed. A footpath is proposed around the SuDS Dry Basin in the south-east corner of the site and a potential future footpath link proposed in the south-east corner.

There will be areas of public open space in and around the site. Along the eastern boundary of the site a line of trees and a buffer 5m wide will be provided. A further buffer is proposed adjacent to the Orchard, between the Orchard and the first properties to the west of the site.

The dwellings have been arranged in a variety of build lines and setbacks from the street, with modern elevation styles and fenestrations.

There will be a mixture of single, double and twin garages throughout the site. The garages will be of a similar design and size.

The proposed scheme incorporates native tree planting, screening planting, hedgerow planting, naturalistic native shrub and structural planting, amenity and meadow grassland planting, and management of the existing hedgerows.

The scheme will have a variety of boundary treatments which will include:

- 1.8m high brick screen walls
- 0.45m high knee rail fence
- 1.8m high feather edge timber fence
- 0.9m high stone wall using stone from existing wall
- 1.2m high metal railings
- 1.8m high screen fence with brick piers

There will also be several wildlife runs through the site by cutting out 130mm x 130mm holes in the base of the fences to allow hedgehogs to pass through.

The proposed units will comprise of two-storey dwellings, with a mix of detached, semi-detached and mews type housing, in a range of 2, 3, 4 and 5 bedroom properties. The revised mix of dwellings after losing a plot are:

- 70 no. affordable dwellings:
 - 34 no. two bed houses (49%)
 - 36 no. three bed houses (51%)
- 215 no. market dwellings:
 - 18 no. three bed houses (8%)
 - 181 no. four bed houses (84%)
 - 16 no. five bed houses (8%)
- A total of 285 no. dwellings:
 - 34 no. two bed houses (12%)
 - 54 no. three bed houses (19%)
 - 181 no. four bed houses (63%)
 - 16 no. five bed houses (6%)

All dwellings will have off-street parking provision, including storage for bicycles and provision for electric vehicle charging.

The site will have a single vehicular access point from Oldcotes Road via a new priority T junction approximately 100 metres (centre line to centre line) from the existing Manor Lane junction on Oldcotes Road. The application seeks to relocate the existing 60 / 30mph speed limit change on Oldcotes Road (marked by an existing gateway feature) to the east of its current position, beyond the extents of the proposed development.

An underground pumping station is proposed in the south-east corner of the site adjacent to the proposed Dry Basin. Although most will be underground there will be some equipment above ground in a fenced off compound.

Adjacent to the pumping station is proposed to be an electricity substation that will be contained within a pitched roof brick built structure. The substation has moved from its original position at the rear of properties on Manor Lane to within the open space adjacent the SuDS dry basin (but not within the Basin itself) due to concerns raised about its location adjacent properties on Manor Lane.

Both the Pumping Station and substation have been designed and located in line with industry standards.

An area of equipped play will be provided on site within the central green space area that for a wide range of age groups offering a variety of play experiences including spinning, sliding, balancing and climbing.

The SuDs basin area to the south east corner of the site will be relatively flat with planting and a path on the higher part of the area, the lower part will also have some landscape features.

The lower part of the basin will fill up during the majority of rainfall events, while the upper part has been designed to only collect water during the most severe rainfall events.

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

Design and Access Statement

This document provides details of the site and surrounding area, the policy context of the application, the strategic approaches taken to developing the site, the proposal itself and a Building for Life Assessment.

Planning Statement

The statement provides details of the site, the proposed development and a policy and planning assessment of the scheme.

Transport Assessment (TA)

The TA considers transport matters associated with the proposed development and is based upon guidance contained within the Department for Transport (DfT) web-based resource Planning Practice Guidance (March 2014), the National Planning Policy Framework (February 2019) and local guidance as produced by RMBC as part of their draft Local Plan (September 2014).

The TA provides details of the site; the local highway network in terms of how it currently operates; personal injury collision data for neighbouring roads, not just Oldcotes Road over the last 5 years; sustainable transport, including pedestrian, public transport and cycle accessibility; and trip generation.

The TA concludes that the proposed development site will be accessible by all modes of transport, and that the local highway network will continue to operate satisfactorily following the proposed development.

Travel Plan (TP)

The aim of the TP is to promote and offer opportunities for sustainable travel for all residents and minimise dependence on the private car. The objectives for the TP are to:

- Minimise the number of single occupancy car trips;
- Encourage residents to embrace the sustainable location of the site; and
- Encourage active travel with gains for health.

The TP is not a static document; it evolves over time and adapts to reflect new guidance and emerging best practice. As such this TP will be updated by the Travel Plan Coordinator (TPC) for the site to incorporate additional measures and to best practice where appropriate.

Housing Mix Report

The report concludes that the relevant policy for determining housing mix in Rotherham is Core Strategy Policy CS7 which states that housing mix should be informed by an up to date Strategic Housing Market Assessment. The needs of the market should be afforded equal weight, particularly as the SHMA itself states it should only be used as guidance. On the basis that there is sufficient market evidence to suggest a demand for larger family housing in Dinnington, the proposed development is considered to comply with Policy CS7 of the Rotherham Local Plan Core Strategy from an affordable housing and housing mix perspective. There are no material considerations in the form of national policy or the emerging neighbourhood plan which suggest the application should be refused on housing mix grounds.

Landscape Visual Impact Assessment (LVIA)

The purpose of the LVIA study is to provide an assessment of the likely landscape and visual effects of the proposed development.

The LVIA concludes that whilst there will inevitably be some adverse landscape and visual effects at the outset (Year 1 of completion), it is judged that the effects of the proposed development and the consequential effects will, however, be localised and limited in their extent. In conclusion, it is assessed that the site's landscape character has the ability in which to absorb change through the introduction of the proposed development and associated green infrastructure. The proposals will be appropriate within this landscape

context and it is judged that the effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm.

Tree Survey

The survey provides details on the survey methodology, the results of the survey, an arboricultural impact assessment, details of new tree and hedgerow planting and tree protection measures to those retained trees both on the site and on the land immediately surrounding the site.

The survey notes that tree cover is confined to the site boundaries and includes a maintained hedgerow along Oldcotes Road, woodland forming a section of the site's western boundary, and sporadic tree cover along the boundary with Dinnington High School playing fields and includes a total of thirteen individual trees, six groups of trees, two hedgerows and a single woodland.

Ecological Appraisal

The appraisal notes that the site itself is dominated by arable land, a habitat of low ecological value. Habitats of greater ecological value are present at the site boundaries in the form of hedgerows and trees, and adjacent to the site in the form of Throapham Orchard woodland. These habitats are retained, and buffered where appropriate, under the proposed development and will be protected during the construction period. The opportunity exists to enhance the habitats within the site through the creation of wildflower grassland and scrub within the woodland buffer and hedgerows adjacent to the eastern site boundary.

In addition, suitable foraging, commuting and nesting opportunities were identified for bats and breeding birds within the site, whilst the adjacent woodland also provides opportunities for these species. The habitats of value to these species are largely retained, whilst proposed landscape planting / buffers will provide increased opportunities within the site. In addition, an appropriate lighting scheme should be implemented to maintain dark habitats and corridors at the site boundaries.

No other protected or notable species are considered to pose a statutory constraint to development of the site and development of the site provides the opportunity to provide habitat enhancements including: Native tree and scrub planting; Wildflower grassland creation; SuDs feature designed to benefit wildlife; Hedgehog holes in garden fences; and Bat / bird boxes.

Flood Risk Assessment (FRA)

The FRA confirms that the site falls within Flood Zone 1 and there is a low risk area of surface water ponding in the south-east quarter of the site. This is not a development constraint and can be managed within the drainage strategy. In addition, surface water disposal is considered in accordance with the

drainage hierarchy in Building Regulations Part H 2010 and Planning Practice Guidance 'Reducing the causes and impacts of flooding', paragraph 080, and the surface water drainage network and attenuation basin will be privately managed by a maintenance company. Foul effluent will discharge via a pumped solution to the public foul sewer recorded in the residential estate west of the site.

Soil Resources and Agricultural Quality of Land

This document provides details on an agricultural land quality survey. It notes the land mainly has medium loamy soils, of variable depth over limestone. The resulting droughtiness limits agricultural quality to subgrade 3a where the soils are shallower. Deeper soils in the south and east give land of grade 2.

The topsoils and upper subsoils are high quality resources for reuse in gardens and landscaping and detailed recommendations on resource management are set out in the report.

Mineral Safeguarding Assessment (MSA)

The MSA indicates that the site is underlain directly by dolomite/limestone which makes up a mineral resource in the production of crushed rock aggregate. Further, the site lies in a Mineral Safeguarding Area and there is historical small-scale evidence of quarrying in the wider area. However, it concludes that the proposed residential development is not likely to have a significant impact of the availability of mineral resources available to the Doncaster and Rotherham Planning Authorities. Based on the information above, the need for the mineral resource beneath this specific site does not outweigh need for development.

Archaeological Evaluation Report

An archaeological evaluation consisting of 53 trenches took place on the site as previous archaeological work, including a desk-based assessment carried out as an earlier element of this project, has located the cropmarks of rectilinear enclosures, thought to represent an Iron Age or Roman managed landscape, with a possible trackway flanked by ditches. A geophysical survey carried out on the proposed development site identified the double-ditched trackway running across the site, with a pattern of enclosures on either side and possible indications of more intense activity on the western edge of the site.

The evaluation trenching scheme has confirmed the presence of a network of rectilinear enclosures extending across the site, either side of a double-ditched feature likely to be a trackway or driveway. There is some evidence of more intense activity in the south-west corner of the site, where a smaller enclosure and a scatter of probably associated features were revealed, and the largest number of finds was retrieved. The profile forms of many of the ditches suggested that they had been repeatedly recut, and that the field system had therefore probably been in use for many years; differences in the

size and form of features across their lengths can also be attributed to the differing nature of the material into which they were cut, with stretches of ditch cut through the softer silts and clays requiring more maintenance than those cut into the solid dolostone geology. Some features, such as the long perpendicular ditch G3 which apparently continued across the main trackway, appeared to represent substantial remodelling of the working landscape.

Only provisional conclusions can be drawn before the specialist reports for the finds and environmental samples are received, but a Romano-British date for the majority of the features seems most likely, with possible underlying traces of earlier activity. The level of finds retrieval was, on the whole, very low, indicating that the enclosures on the site were the outlying fields of a nearby settlement. However, if the large piece of slag retrieved from ditch 2802 proves to be contemporary with the enclosure system, it may suggest both settlement and industrial activity in the immediate vicinity of the site.

The site proved to be a slightly unreliable subject for geophysical survey. Linear features extending across large areas were accurately located even when they were very shallow, but few of the trenches investigating geophysical responses interpreted as representing smaller features encountered any archaeological remains at all, and where remains were present, as in Trench 45, they did not always correspond to the expected layout. These discrepancies are probably due to variations in the natural geology.

Health and Equalities Checklist

The Checklist has been provided in accordance with SPD 'Healthy and Equal Communities'.

Geo Environmental Phase I

The aims of this investigation were to identify salient geoenvironmental issues affecting the site to support the submission of a planning application, and also to enable prospective developers to obtain budget costs for: foundations; gas protection measures; and site preparatory works.

The report concluded that there would be no significant risks to the development of the site in respect of historical coal mining, hazardous gases or contamination of the land.

Public Consultation Statement

Paragraphs 5.175 to 5.180 of the Planning Statement submitted with the application provides of a Statement of Community Involvement.

Harron Homes has been in contact with all ward members, as well as Dinnington St John Parish Council as part of the development process. Due to the elected member engagement, the on-going restrictions of COVID-19, and with the recent and detailed allocation of the site, additional consultation

regarding the principle of the development of the site for housing was not considered to be necessary or practicable.

Northern Powergrid Substation

The document from Northern Powergrid notes all substations shall be designed and located to avoid creating a statutory nuisance, which would otherwise arise primarily due to noise, vibration or electro-magnetic interference. This requires a minimum distance of 3m from new indoor substations, or 6m from new pole-mounted substations, to adjacent dwellings.

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 in the Local Plan. This site comprises Housing Allocation site H76 in the Council's adopted Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
 CS3 'Location of New Development'
 CS7 'Housing Mix and Affordability'
 CS14 'Accessible Places and Managing Demand for Travel'
 CS20 'Biodiversity and Geodiversity'
 CS21 'Landscapes'
 CS22 'Green Space'
 CS25 'Dealing with Flood Risk'
 CS26 'Minerals'
 CS27 'Community Health and Safety'
 CS28 'Sustainable Design'
 CS33 'Presumption in Favour of Sustainable Development'
 SP1 'Sites Allocated for Development'
 SP11 'Development in Residential Areas'
 SP26 'Sustainable Transport for Development'
 SP32 'Green Infrastructure and Landscape'
 SP33 'Conserving the Natural Environment'
 SP35 'Protected and Priority Species'
 SP36 'Soil Resources'
 SP37 'New and Improvements to Existing Green Space'
 SP47 'Understanding and Managing Flood Risk and Drainage'
 SP52 'Pollution Control'
 SP55 'Design Principles'
 SP56 'Car Parking Layout'
 WCS7 'Managing Waste in All Developments'

Other Material Considerations

The revised NPPF came into effect in February 2019. 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.

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide

Council's Car Parking Standards

RMBC Adopted Supplementary Planning Documents:

- SPD2 – Air Quality & Emissions
- SPD5 – Healthy and Equal Communities

Dinnington Neighbourhood Plan - The Council has published a decision accepting the Examiner's recommended modifications to the Draft Dinnington Neighbourhood Plan and that it should proceed to a referendum to decide whether it should be 'made' (adopted) by the Council as part of the Local Plan. The referendum will take place on 6th May 2021. As such, the Neighbourhood Plan can be given significant weight in decision-making, so far as the Plan is material to the application [Planning Practice Guidance, Paragraph: 107 Reference ID: 41-107-20200407].

Publicity

The application has been advertised by way of press, and several site notices along with individual neighbour notification letters to adjacent properties. 66 letters of representation have been received in respect of the first consultation exercise.

The issues raised are summarised below:

- No bungalows are proposed on this site and none were proposed on the recent approval off Wentworth Way and there could be a lack of provision for old and disabled people in the area.
- Oldcotes Road is a busy road, which cars speed along. More houses will mean more traffic. There have been an increasing number of accidents at the crossroads already.
- A scheme to reduce the speed of vehicles on Oldcotes Road will be required.
- The site is Green belt and should remain as such
- It is unfortunate that properties have to be built on green areas.

- Let the countryside be countryside why build concrete over a field and bring the area down.
- There are areas of Dinnington that have less than adequate housing that could be removed and new houses put in their place.
- Why are brownfield sites, such a builders yard on Outgang Lane not being built upon?
- How will power to the development be achieved?
- Why was there no engagement with residents prior to the application from Harron Homes?
- Has there been any consideration of residents on Manor Lane and Throapham itself?
- Manor Lane experiences numerous vehicles going up and down and damaging the lane this scheme will only increase this.
- The properties in the west / south-west of the site will look into existing properties and rear gardens on Manor Lane and affect the amenity of existing residents.
- The last house with the prevailing SW winds would be demolished if the tree was to fall in high winds. This should be included in contracts as it could be classed as an endangerment to life.
- The proposal will adversely affect Throapham residents and our lifestyles.
- There is no mention of how existing trees are to be protected during construction.
- The location of the substation encroaches into the garden of 7 Manor Lane.
- The path to the south of the field next to the school fence has been used as a footpath for 20 years.
- There is a lot of wildlife in the surrounding areas that would be adversely affected or destroyed by the development.
- The proposal will result in light pollution.
- The local schools are already oversubscribed - where are new families expected to be educated when the local college has already been declared closed.
- We have no banks, Post Office, indoor shopping markets etc. to support the scheme. The proposal will put added pressure on services in Dinnington.
- The proposal would destroy the countryside views and walks and natural habitats.
- The increased traffic would pollute the environment.
- Crime rate in the area is already high and climbing at an alarming rate, the development would only add to this problem.
- The proposed siting of the low cost housing is not conducive to the surrounding properties and could have been located within the development so as to minimise the impact all round.
- No mention of infrastructure enhancement has been indicated and the road access point is totally unsuitable regarding safety the traffic is far too fast at this point and is creating a potentially blind ingress and egress point secondly if this is to be used for site traffic heavy lorries will have a slow and tight access both in and out of the development.

- We need more affordable housing.
- How will walkers get across to the footpath in the far side of Oldcotes Road during the build and after I thought there was to be a gap between Throapham orchard and the houses this isn't shown on the plan.
- Oldcotes Road is unsuited to accommodate construction vehicles and will create a highways danger on a road which is already frequently narrowed by parked cars.
- The extra traffic on completion of the site would be too much for Oldcotes Road, due to the extra journeys along that highway created by 286 new houses, and potentially 600 more later on. It is already very difficult to pull out onto that road from our street, Hunters Chase. We have waited 15 minutes for a gap in the traffic on that road in the past.
- This is not acceptable when the government are calling for us all to improve our fitness and health.
- It would appear that individual sites proposed and those under construction regarding impacts on the environment and traffic have not been taken into account in respect of total impact for all increased housing.
- The field offers the community some safe outdoor space where we can exercise and meet other dog walkers. There is no other safe space to walk on a cold dark night.
- The proposed development is not in-keeping with adjacent and surrounding properties, these comprising nearly new builds to very old buildings and are discriminating in size, layout and proximity.
- Buffer zone between boundaries on existing and proposed development totally irresponsible and designed clearly with no regard to previous applications for planning on nearby Manor Lane where an acceptable buffer zone was put in place.
- Adjacent existing properties are in an area of outstanding visual beauty with uninterrupted views towards the east from Throapham rise for score of miles, this will be blighted with unnecessary new housing on Green Belt land.
- Will the development attract a grant of the Community Infrastructure Levy to Rotherham MBC and, if so, how much and how will it be spent specifically in Dinnington?
- What provisions are there within the application for protecting any possible pre-historic remains or ancient artefacts on the site area, this being frequently combed with enthusiasts with metal detectors.
- What proposals are there for connecting existing footpaths around the 'Woodland Priority Habitat area' (Throapham Orchard) to existing pathways on the East of Throapham hamlet continuing towards Bluebell Wood and villages of Laughton en le Morthen and Firbeck. These footpaths and fields are accessed daily by scores of walkers from nearby residential properties and local Ramblers Societies.
- There is no intention of stopping at the proposed 286 dwellings. The goal is a two-stage development culminating in approximately 1000 new dwellings (based on land area identified) on 'safeguarded land' that once was green belt agricultural land. This plan is to be used to set

a precedent to completely fill the blue section, in the process completely encompassing Dinnington High School, permanently removing its links to the countryside that has had such a positive impact on 1000's of students.

- The proposal meets very few of the objectives set out in your Core Strategy.
- This is not an extension of an existing development; it is a completely new development. One that does not meet the needs of any current local housing requirements. It will have a negative net effect on the current infrastructure and will add no benefit to the current community.
- Throapham Orchard is a complete natural border to the settlement of Throapham. It would permanently and fundamentally change the area. This development will entrap Dinnington High School, increase strain on all our public services, have a detrimental effect on peoples connection to the countryside, have an environmental impact beyond the scope of the legally required survey, and permanently change the hamlet of Throapham, not least of all by eventually quadrupling its size.
- Dinnington is a place that is plagued by lack of a road infrastructure built to cope with the amount of traffic that already runs through and round it, at Todwick where even the new road layout still cannot cope, there are constant queues down Todwick Road and not only at rush hours and despite notice to them, the Council still ignore the problem.
- The plans show a safe access to this footpath by way pavements through the development. What plans are in place to ensure a safe route to this footpath whilst construction is underway?
- Walking down Oldcotes Road, with traffic passing at up to 60mph is unsafe and will put lives at risk.
- Before planning is granted and construction is commenced a safe route needs to be organised and maintained.
- There are a number of empty/derelict properties in Dinnington, these should be renovated first as the buildings are already there. This will create houses and also improve the look of the area as those buildings are an eyesore!
- The nearest bus stop with limited routes to surrounding towns is at Breck Lane, Dinnington (which is potentially a 15-minute walk dependent upon fitness and a lack of footpaths). The public transport to Sheffield, for example (from the proposed site) would entail at least a 20/30 minute-walk, a bus journey of almost an hour and a return journey. This development cannot possibly be sold to potential buyers as commutable to the major towns and cities in the area, unless travelling by car.
- The nearest rail station is Kiveton Park or Kiveton Bridge, both of which are restricted by parking facilities.
- The development seems to be primarily for couples and families, there is no provision to create a community with a mix of couples, families and older generation.
- There are Bin Collection Points shown on the plans, we already have similar Points in Dinnington, these are an eyesore and mis-used so what makes RMBC believe that these Points won't turn out to be the

same? One can only assume that RMBC won't sanction the collection of Rubbish bins from outside all the properties and these Collection points have been imposed on the developer.

- The proposed development represents overdevelopment.
- There is no children's play area on the proposed development. Harron claims its obligations in this regard are met by the park off Chestnut Grove, however, this is accessible at the distance required only via an unlit footpath. In poor light pedestrians would be required to walk a much longer route via Oldcotes Road to keep to lit paths. This route is in excess of 0.5 miles, over twice the required distance.
- There is no police presence, the local SYP station was closed and put up for sale and remains so. An area was allocated in the Resource Centre for police presence, unfortunately that public building has been closed for a substantial amount of time during this unfortunate pandemic. However, it remains that criminality in Dinnington was increasing prior to this, as we are all aware due to the high level of media attention. Does RMBC need more adverse publicity by introducing further social housing into this area?
- I also have real concerns on the visual appraisal of the existing estate. I have lived on the estate for 30 years and have been grateful for the landscape we are surrounded by. The existing estate doesn't detract from this however the new proposed site will have a direct impact on the high landscape importance. It will be impossible to for the new estate not to have a negative impact. In essence you will be building a town in a country area.
- The proposal will cause noise pollution and air pollution to local residents in the area. This will cause a disturbance to the current residents by increasing the traffic on the road and mean it will be difficult for residents to leave.

In addition to the above, Dinnington St John's Town Council have objected to the scheme on the following grounds:

- The application contravenes Dinnington's Neighbourhood Plan (NP) by planning to construct a mix of houses not in keeping with the need identified in Policy H1 of the NP.
- The Town Council believes the development contravenes the NPPF (Feb 19 revised) at S13, para. 137a because not 'as much use as possible of suitable brownfield sites and underutilised land' has yet taken place in the area. There are plenty of such brownfield/under-utilised sites in the parish that could/should be developed before looking at this site for development.
- The local infrastructure (capacity of roads, schools, medical facilities, public transport, sports facilities etc.) is already insufficient for local demand; the addition of a development of this size is very likely to stretch some of these to breaking point without significant immediate investment to prevent such a scenario.
- The council also supports other neighbour comments that reference the safety of Oldcotes Road, intrusion onto to properties on Manor

Lane and the biodiversity impact of the removal hedgerows etc. that will negatively impact local wildlife.

The above objection was supported by signatures and addresses of 8 Councillors.

1 letter of support has been received stating:

- It's a great idea if there's going to be nice walk ways for dogs and a new park for the kids.

Further letters were sent out on receipt of amended information. A letters from individual addresses were received, along with the Parish Council, all from those who have previously commented. The additional letters mainly reiterated the points raised in the original letters regarding principle of development, being contrary to policy, highway, ecological and environmental issues, impact on local services. The letters did include some additional comments which can be summarised as follows:

- The development is clearly against the Neighbourhood Plan where no development should take place on green belt/agriculture land.
- The area is of outstanding visual beauty but will be blighted with building of unnecessary new housing.
- The mix of housing proposed are not in keeping with any required housing within the area; the site discriminates in size, layout and proximity to adjacent properties and the hamlet of Throapham itself with a total disregard with planning for high rise buildings adjacent to bungalows along Manor Lane.
- There is a question of irresponsible design with no buffer zone and tree planning scheme to rear of Manor Lane bungalows and new properties.
- The site is renowned as a boggy area and the proposed development to build totally on bedrock with probably 30cm of soil cover with have a major impact on surface water levels onto Oldcotes Road and the extreme houses on the brow of the hill in Throapham owing to the difference in field to road levels. In the order of 70% of the site area will be replaced with concrete, brick and tarmac which will significantly effect the flooding risk towards Leys Lane and the South East boundary with the land fall calculated levels. Again, surely poor design features on the positioning of the electric sub station in immediate proximity to the Pump Station and Sewage Plant on the lower boundary.
- Preposterous that the only site entrance to the development is within metres of a busy industrial site entrance, entrance to residential properties on Manor Lane and along and the brow of an already death trap of a hill at the centre of Throapham hamlet.
- There is a total disregard to the ecological aspect within the development; ancient hedgerows adjacent to Oldcotes Road are to be reduced to 600mm as are sections of hedgerows bordering the school fields to be replace. This work must be done outside bird breeding season March to September inclusive. Existing trees around the site

will be removed leading to long term ecological damage- how can they be effectively replaced?

- A suitably qualified ecologist must be consulted with the results and written findings made public prior to any development being approved.
- The whole project is a disaster waiting to happen should it be approved.
- Whilst some effort has been made by the applicant to address the presence of a number of well used unofficial footpaths across the site area, further work is needed.
- A proposed footpath along the southern boundary of the site adjacent to the college playing fields was removed because it did not link to anything beyond the site boundary. Yet, the applicant owns the adjacent site which is also allocated for housing. There needs to be 'joined up' thinking about the route to the Leys Lane crossroads.
- Also, the potential for a new public bridleway up the eastern boundary of the site where a 3 metre margin is being left to allow maintenance of the hedgerow.
- As a temporary solution, the footpath along the southern boundary could link to the public open space proposed in the SE corner of the site. Then in future, it can be linked into the site to the east when that site comes on stream.
- There have been no permeation tests to show whether the land where the SuDs basin area is to be located is suitable to act as the flooding alleviation for this proposed development. Neither has the area to the northwest of the site been addressed where levels indicate a sloping site to the northwest corner and this will aggravate existing flooding on Oldcotes Road.
- No information for adequate review has been submitted on the levels and locations, including depths of drain runs and actual manhole depths and the visualisation of the works required.
- No details and suitability available for comment or scrutiny on the destination and connection point of the resultant sewage output from the proposed application along with affected land acquisition / disruption involved in the installation of required pipework from the site to discharge. Nor any financial impact on billing increases likely to be passed on to surrounding homeowners by Severn Trent Water.
- The substation and pumping station appear to be sited in areas of flooding.
- Provision of 3 pin socket for electric vehicle charging provision not conducive with Government electric vehicle production proposals.
- Hard landscaping and construction on farmland are in deference to government and environmental targets.
- Whilst I recognise that these paths are not on the definitive map, they are well used by the public. The public have been walking more this last year and I believe that they will continue to do so, so it is important to keep as many paths open as possible.
- The path that runs from Leys lane to Throapham Orchard and the branch which joins with Footpath No 2 provides a safe route for people to walk to Laughton, Firbeck and Roche Abbey avoiding Leys Lane and

Oldcoates Rd which are both dangerous for walkers. The path that runs from Leys Lane to the Orchard at Throapham connects the two communities.

- Whilst I acknowledge that there is no legal requirement to keep these paths open, I believe that Planners and Developers alike have a moral and civic duty to the wider community to keep the public safe. Keeping these paths open would contribute to that duty of care and preserve access to the countryside for the people of the wider community, which is so important for their wellbeing.
- To ensure that people can freely walk between Leys Lane and Throapham by keeping access to Throapham Orchard and if necessary that this included in the deeds of the adjoining houses. That access to the orchard on the South East of the site cannot be closed off and that a public right of way is created on the east of the site so that if the land to the east of the current development is built on in future the ROW already is established.
- There are surface water issues due to the bedrock which might not be suitable for infiltration, which if not dealt with properly might result in surface water retention and flooding in areas.
- The POS identified is well below the required standards.
- Additionally a large area designated for POS and Play areas are in the proposed flood SUDS basin and by design for a large parts of the year will potentially performing that duty and the proposed land to a great extent will be unavailable as the projections confirm. I understand this area to be fenced for I assume public safety when it is in actual flood conditions. Play areas that are in this planning application require full and open resolution prior to any public and committee approval proceedings being put in place if unfenced, at times of flood children and public are at considerable risk of drowning unsupervised children in particular, other areas are existing protected areas and not forming a provision by the developer.
- The spurious inclusion of an existing play area completely outside the site location once again not being provided or maintained at the developers cost creates a misguided inference that it is provided by Harron Homes which it clearly not.
- Additionally the actual and vital construction line of all foul water pumping and its actual route to the public sewer system and its impact on the land stated as third party within this submission is still not disclosed for scrutiny.
- Vibration from heavy plant and rock breaking activities in the preparation of the proposed strip foundations as proposed within this application.
- The impact that these activities will have on the structural stability of the adjacent and nearby properties, that any underlying bedrock will transmit impact intensity via the bedrock and transmission via the interspaced clay deposits. having the potential to create damage to walls and foundations and a socially unacceptable noise and nuisance level.

- These activities will also create dust and airborne contaminations to be deposited within the surrounding properties and will be detrimental to health and wellbeing of the area.
- The above are not limited to the foundation preparations and will also be an issue in the excavation of the drainage pipe runs interconnecting the housing to the main drain runs to the pumping station.
- It looks likely that the bedrock formation, approx. 300mm below soil level, to the top corner for the proposed development (NORTH EAST) behind manor lane and Oldcotes road give bias to groundwater flows towards the intersection of Manor Lane and Oldcotes Road exasperating existing flooding outside 1 Oldcotes Road.

A further letter was issued detailing the reduction in numbers to 285 from 286 and in respect of amended plans relating to the public open space / play provision within the site. Several further letters of representation were received from local residents all but 3 were from residents who have commented previously on the proposal, most reiterated their previous comments. Initial comments were received from Councillors Vjestica and Mallinder who are two of the three Ward Councillors for this Ward. The additional comments received in response to this additional letter by local residents are summarised as:

- I object to the application in total and find it abhorrent that the planning department is ultimately endorsing this application to the planning committee.
- Have the pre application and the further discussions not picked up that the application ultimately fails the play area requirements, as required for even the initial compliance. If the basic planning outlines are being ignored or the planning officers concerned are totally negligent in reviewing and assuring full compliance, how can they advise a judgemental planning committee to accept this application when they themselves ignore all protocols and planning laws and public safety in the construction of an entrance without all enforcement in law available to stop it and prevent endangerment to life in the process. The fox is clearly in the hen house at RMBC.
- There are owned homes in the unsupported drainage simulations, which are at risk of flooding and these should be removed on the basis that it would be unethical for the Council to be supporting this detrimental bias to the developer to the loss of any perspective owners.
- The routing of the foul water and all drainage pipework should be added to the layout drawings in order for the locations to be checked against bedrock levels. This will give an indication as to whether the noise and vibration levels during construction will be detrimental to existing and surrounding properties.
- There comes a time when you see that mistakes have been made in identifying an unsuitable site/sites across Rotherham and the serious implications for the voters and rate payers, also the impact of losses to the developer accumulated in the creation of the application rest firmly on your shoulders.

- Do Harron really think that prospective home purchasers will want Bird and Bat boxes built into their new home?
- Seems Harron are piggybacking on existing play facilities at Chestnut Grove and do not want to incorporate any play facilities into their own scheme.
- The Green Spaces shown on the plans are just a token gesture.
- The application has been predetermined in breach of the Councillors Workbook on Planning.
- The proposal will result in potentially excessive noise, vibration and duration of works in the drainage construction through Bedrock from hoes to main drainage run to the pumping station.
- There are brown field sites in the locality that can be developed.
- The traffic on Oldcotes Road is already busy. The road is not wide enough for existing traffic without compounding the problem. The proposed site entrance is close to the brow of the hill. As traffic already disregards the speed limit of 30mph. This is a danger to anyone in the vicinity. An increase in traffic will compound existing problems on the road to the M1 at Todwick and Church corner in Laughton-en-le-Morthen.
- The right of way across the proposed site has been blocked by temporary fencing. This right of way has been used for years by walkers. There are markers in the form of concreted oil drums which confirms this right of way.
- The traffic that this new development will bring, will increase congestion in the area and be detrimental to the air quality.
- Concreting over 11 hectares of fields and cutting down hedgerows will impact negatively on wildlife and the environment. There are brownfield sites in Dinnington that can be utilised for new homes, it is incomprehensible that green belt would be used rather than exhausting all other possibilities.
- The Council has not looked at the implications of this development regarding the effect it will have on the local community. It has not taken into account the wishes of the rate payers that pay a considerable sum to the Council in the form of council tax. Our local community do not want more developments on green field sites. We have already, against the wishes of the community been forced to have a large development at Wentworth Way in Dinnington. How many more developments can we sustain?
- I don't believe the development relating to RB2020/1346 can be completed without substantial detriment to the current local Throapham community. The waste water alone, from the development cannot possibly be adequately disposed of under the current proposal.
- Please build on brownfield sites, not the countryside.
- The amount of pollution that will be caused which will add to climate change.
- Power cuts are already a regular occurrence so there would be a further pull on the already over worked system.
- The scheme will double the size of Throapham.

- No measures will be sufficient to mitigate the damage to the area, and there would also be the wider consequences for the local community in terms of increased demand on schools, services and of course health centres, who already fail to deliver a satisfactory service (COVID-19 vaccinations excluded). The NHS has been misled about the scale and progress of this potential development and so not raised the objections it would and SHOULD if given truthful information, by either the Developer, to the Council, or both.
- The local area is unlikely to offer employment that will pay at the rate required to purchase the properties, so increasing the chances of this area further becoming a dormitory village for Sheffield etc, and the associated traffic - especially towards the M1 - that will ensue.
- This area is classed as semi-rural and with everything that encompasses; and yet, all those things are harmed and obliterated by the needless, inappropriate and wrongly situated swathes of housing that local people can likely not afford anyway.
- Project plans show a pedestrian/cycle access onto Manor Lane, Manor Lane is an unmade road which is potholed and unstable and effectively not fit for pedestrian/cycle access.
- Why was no enforcement action taken against the access created for the archaeological dig?
- Why was the access for the archaeological dig was created without regard for highway safety?
- I find it concerning that the planning application has been received during a period of COVID-19, where there should be a focus by the council to ensure that people's rights do not put their health at risk. The ongoing government announcement to prevent public gatherings will impact heavily on the capability of required public gatherings where the voices of the local community should be heard. On this basis alone the application should be rejected until the opportunity exists for the local community to gather safely.
- The increase in population density, with a clear lack of proportional park provision, will impact negatively on the existing ancient woodland use.
- The existing woodland has over the last 4 months received excessive use as individuals are limited in their activities and this area has not received additional attention or investment by the greenspaces department. There have been a number of reports to local policing with regards to the dealing of drugs within the woodland area and entertain the fact that an increase in population will lead to an increase in opportunity in socially unacceptable activities. I would like to see an overview of the local policing expenditure and their investment relating to the planned increase in population

The comments raised by Cllr Vjestica are summarised as:

- The highway impact of additional vehicles entering and exiting the site which could present a hazard and the safety of pedestrians and vehicles.

- The open space should provide equipment for persons of all ages to exercise like an outdoor gym.
- The mix of properties should include bungalows.
- The suggested use of a play area is a significant distance from the site for older persons and is not appropriate, it should be provided on site.
- The number of properties should be reduced to increase the amount of open space.
- The development will significantly increase the number of vehicles accessing Oldcotes Road.
- Many of the new vehicles will be works vans and this will adversely impact on views from properties.

The comments raised by Cllr Mallinder are summarised as:

- The impact of extra traffic pose a risk to current traffic as well as pedestrians.
- Consideration should be given to providing exercise for all age groups possibly in equipment.
- There should be provision for bungalows as this affects the profit on new builds but we have an aging population.
- A play area should be provided on site. There should be no long walk as this is often a heart of the community.
- Consideration should be given to reducing the amount of properties to increase access to open space.

10 right to speak requests have been received at the time of writing this report, from the Applicant as well as local residents, the Parish Council, a Ward Councillor and the Local MP objecting to the scheme.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Public Rights of Way: No objections.

RMBC – Drainage: No objections subject to conditions.

RMBC – Ecology: No objections subject to conditions.

RMBC – Air Quality: No objections subject to conditions.

RMBC – Education: An Education contribution would be required for education provision.

RMBC – Landscape Design: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Affordable Housing: No objections.

RMBC – Tree Service Manager – No objections subject to conditions

RMBC – Green Spaces: No objections subject.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Public Health: No objections.

South Yorkshire Archaeology Service: No objections subject to conditions.

Sheffield Area Geology Trust (SAGT): No objections.

South Yorkshire Fire and Rescue: No objections.

Rotherham NHS Clinical Commissioning Group: Have identified a pinch point in this area of the Borough but based on the developer's estimation of build out rates, the CCG have stated that it will allow them time to plan for expansion and bid for funds to achieve this.

SY Police ALO: Recommend that the development is designed and built to Secured by Design standards.

South Yorkshire Passenger Transport Executive: No response received.

Severn Trent: No response received.

Highways England: 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
- Design, Scale and Appearance
- Impact on Highways
- Public Rights of Way
- Landscapes
- Trees
- Ecology / Biodiversity
- Open Space Provision
- Drainage and Flood Risk
- General Amenity
- Air Quality
- Affordable Housing
- Education
- Minerals
- Land contamination, Coal Mining and Soil Resources
- Archaeology
- Other considerations

Principle

It is noted that a number of the objections received refer to this land being Green Belt land. However, the site is allocated in the adopted Rotherham Sites and Policies Document for residential and within policy SP1 'Sites Allocated for Development' is identified as Housing Site H76 (total area 11.11ha), which indicates the total site area has a capacity of approximately 272 dwellings.

The Council's Sites and Policies Document has been through public consultation and an Examination in Public led by a Planning Inspector appointed by the Secretary of State, who found the contents of the SPD to be sound and thus agreed that this land can come out of the Green Belt and be allocated Residential. Accordingly, since the Site and Policy Document was adopted the site no longer forms part of the Green Belt and the principle of developing this site for residential is supported in planning policy.

Furthermore, some of the objectors raised the issue that the building on this site would be in conflict with the Dinnington Neighbourhood Plan. However, the draft NP on page 17 refers to this site in a table of sites that have been allocated for housing in the Rotherham Local Plan. Community Action 1: Future Housing Allocation of page 18 of the NP states: "*New housing development proposals over the Plan period will only be supported on sites allocated for housing in the Local Plan or windfall sites of less than 10 dwellings.*" Accordingly, the development of this site is clearly supported by the draft NP.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for

Growth. Dinnington is identified as a 'Principal Settlement for Growth', which along with Anston and Laughton Common is proposed to provide 1,300 dwellings as part of the Local Plan. This application will help the Council to achieve these targets as well as assisting in achieving the targets set by Central Government in the Housing Delivery Test, which prescribes a set amount of new homes within a rolling three year period that should be built within specific Local Authorities.

CS3 'Location of New Development' states: *"In allocating a site for development the Council will have regard to relevant sustainability criteria, including its (amongst other things): proximity as prospective housing land to services, facilities and employment opportunities, access to public transport routes and the frequency of services, quality of design and its respect for heritage assets and the open countryside."*

Policy SP11 'Development in Residential Areas' states, in part that: *"All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies."*

The site is allocated Residential and as such the principle of residential development is acceptable and the 285 dwellings proposed on the site is broadly in keeping with the indicative Sites and Policies Document figure allocation of 272 dwellings.

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

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

Access to Community Facilities

Policy SP64 'Access to Community Facilities' states: *"Residential development should have good access to a range of shops and services. On larger scale residential developments of 10 or more dwellings the majority of homes (minimum of 80%) should be within 800 metres reasonable walking distance (measured from the centre of the site, taking into account barriers such as main roads, rivers and railway lines) via safe pedestrian access of a local convenience shop and a reasonable range of other services or community facilities. This may require the provision of local services or facilities by developers where these requirements would not otherwise be met or where new development would place an unacceptable burden upon*

existing facilities, unless it can be demonstrated that such provision would not be viable or would threaten the viability of the overall scheme.”

When measured from the centre of the site, and as the “crow flies” the development would just be within an 800m radius of shops on Laughton Road, the Dinnington Resource Centre on Laughton Road and Dinnington Comprehensive school. Whilst this distance would be increased if walking via the road and footpaths from the site to just over 1km, given the number of dwellings proposed on site is below that set out in policy SP1 and the requirements to provide a specific amount of public open space on the site and play provision, there would not be sufficient space on the site to provide further amenities and facilities. However, the proposed scheme provides a link to the existing footpath to enable sustainable pedestrian access from the site to the services and amenities in Throapham and Dinnington.

Housing Mix

Adopted Rotherham Core Strategy Policy CS7 ‘Housing Mix and Affordability’ states: *“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.”*

Further to the above, there is a policy (H1) within the draft Dinnington Neighbourhood Plan which refers to Housing Mix on sites within the NP area. However, during its examination, the independent examiner amended the wording of this policy as the original wording was too prescriptive and restrictive. Accordingly, the revised wording which will be in the NP should it be voted in during 2021 states at H1: *“In order to help meet the present and future housing needs, including the needs of local residents, new housing development proposals, should provide a mix of housing sizes, type and tenure based on the most up to date SHMA available, supplemented by a more up to date assessment of housing need, including local housing need, if appropriate...”*

In respect of the above and the housing mix proposed it is noted that the developer proposes to provide a mix of two, three, four and five bed properties across the site in a mix of mews, semi-detached and detached types. Whilst the mix is heavily weighted towards four bed detached open market houses, the policies outlined above do not specify what the mix should be split into, it merely asks for a mix of dwelling types and sizes, which albeit slightly in balanced, this scheme does provide and given the wording of the policy it is unlikely that a refusal on this basis could be reasonably defended at appeal. Moreover, the mix and type of the affordable houses has been considered acceptable for this location by the Council’s Housing service, as there is a need for affordable two and three bed properties, which this development will provide.

There have been comments made by objectors in respect of the lack of bungalows being provided on this scheme. The provision of bungalows is not a house type that this particular housebuilder accommodates and is not part of the company's business model. Whilst this is not a reason for not providing bungalows on a site, there is nothing in any of the relevant planning policies and guidance that state a development has to provide bungalows on a site. Therefore, whilst these comments are noted, the lack of bungalows on this site would not be reason for refusal that could reasonably be defended at appeal given the lack of policy justification.

Therefore, it is considered that on balance and given the wording of the relevant policies detailed above, the proposal would meet the requirements set out within them, despite the mix being heavily weighted towards four bed detached properties of a two-storey form.

Healthy and Equal Communities

The adopted SPD 'Healthy and Equal Communities' raises awareness of the links between equality and health and wellbeing and includes a checklist to assist development proposals in considering these issues at the planning stage.

The Checklist has been submitted and assessed by the Council's Public Health department and deemed to be acceptable in this instance.

The remainder of the report will focus on whether there are any other material planning considerations that would outweigh the presumption in favour of sustainable development.

Design, Scale and Appearance

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

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

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

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

The NPPF at paragraph 124 states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 130 adds: *“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.”*

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

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

Having regard to the site layout, the applicant has developed a scheme to ensure that the whole housing allocation can be comprehensively developed and would provide more dwellings than the 272 indicated within Table 2 of policy SP1 ‘Sites Allocated for Development’.

The layout proposes one single access into the site from Oldcotes Road, which is to be sited opposite the agricultural style buildings, near to the junction of Manor Lane. The access will create an entrance feature to the site and will also require improvements and alterations to Oldcotes Road for visibility and highway safety which will be assessed later in the report.

The development proposal has been designed to allow for the site to the east which is currently safeguarded land to be accessed via the application site should that site come forward in the next plan period. Furthermore, links have been provided within the site and in the northern boundary in the north-east corner of the site to link to a Public Right of Way on the opposite side of Oldcotes Road. In addition, there is a link to the south-west corner of the site into the Orchard which will allow access to the footpath network along on the bottom of Hunters Drive and Hunters Chase.

With regard to the design of the dwellings, these are the housebuilders standard house types that are considered to be acceptable, in respect of their size, scale, form, design and appearance. All dwellings have uniformed features in respect of heads and sills that would run through the scheme. There will also be some detached garages sited throughout the scheme which will be of similar designs.

All the dwellings have adequate amenity space and appropriate outlooks, with internal space exceeding the national internal room standards and those set out in the South Yorkshire Residential Design Guide. The mix of dwellings

types is also, on balance, considered acceptable with affordable units providing a good mixed community.

The scheme also includes landscape details with boundary detailing, tree planting and front garden lawns and shared planting areas. This will help to break up the car parking areas and also provide a good and attractive landscaping throughout the site.

It is also considered that the proposed boundary treatment as set out in the submitted plans would be acceptable in respect of size, scale, form, design and siting.

The size and location of the various areas of public open space within the site have been sympathetically designed and will include appropriate planting, footpaths, benches, information boards and play equipment.

Whilst the substation and the part of the pumping station that would be viewed above ground are utilitarian in appearance due to their functionality, they have been sited sympathetically within the site away from existing residential dwellings and not directly facing any new dwelling. Furthermore, the substation has been designed with a brick exterior and both are within fenced enclosures to help minimise their visual impact. In addition, they will be sited the required standard distance from proposed dwellings as set by the statutory undertakers who will be responsible for their installation and maintenance.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and would not have an adverse impact on the character of the immediate surrounding area from a visual design aspect. In addition, the proposed materials would be sympathetic to the area which has a mix palette of materials. Moreover, the dwellings and garages in terms of size, scale, form and design would be standard house types and designs used by the developer on other similar sites and in general would be acceptable.

Impact on 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.”*

CS14 ‘Accessible Places and Managing Demand for Travel’ states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new

development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel.

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

Policies CS14 and SP26 are supported by paragraphs 108 and 110 of the NPPF.

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

A single point of vehicular access is proposed with Oldcotes Road via a simple priority T junction., The application seeks to relocate the existing 60 / 30mph speed limit change on Oldcotes Road (marked by an existing gateway feature) to the east of its current position, beyond the extents of the proposed development. However, the visibility splays and sight lines (for construction purposes only) have been designed to reflect current speeds. This, in combination with the presence of frontage development, will reduce the speed of vehicles both entering and exiting the village of Throapham.

Analysis of the Personal Injury Claims (PIC) data has confirmed that the vast majority can be attributed to driver error. Indeed, detailed analysis of the records demonstrates that the most common type of PIC involving vehicles, was right and left turn in / out movements accounting for 29% of all incidents, followed by rear end shunts and side to side collisions at junctions, both accounting for 12% of all PIC's. There are no significant recurring patterns associated with the accidents or readily identified geometric road characteristics therefore which are having an adverse impact upon road safety on the network.

In summary it can be seen that all of the junctions within the study area are operating within capacity during the existing 2019 scenario. This conclusion generally accords with on-site observations and the queue data obtained as part of the classified traffic surveys, and as such the modelling of the existing operation of the highway network is considered to be appropriate for testing the future impact of the development proposals.

The development site is considered to be well located to encourage journeys by all modes of sustainable transport. There is also the opportunity for linked trips to the site by rail and bicycle, particularly for work journeys. The site is well located to encourage trips by walking and cycling to nearby residential areas.

In summary it can be seen that in the 2025 Predicted scenario the local highway network is predicted to operate within capacity with minor levels of queuing. The impact of the development is therefore considered acceptable and will not result in severe residual harm to the local highway network.

It is noted that there has been a number of issues raised regarding highways, insofar as impact of the proposed junction on highway safety, the nature of Oldcotes Road and the speed of vehicles using this road close to the site and the increase in traffic in the area.

With regard to the above, the Council's Transportation Infrastructure Service have assessed all information that has been provided with the application in respect of the site layout plan, the junction plan and the Transport Assessment.

It is considered that the revised site layout plan is acceptable and complies with the guidance for Manual for Streets and the South Yorkshire Residential Design Guide. In addition, the development (i.e. within the site) will be subject to a 20mph speed limit, while the existing speed limit change in Oldcotes Road is to be relocated to the east of the proposed new access and a gateway scheme provided so that motorists are aware of the new site access.

The applicant has confirmed that in respect of sustainability they are to contribute £500 per dwelling to the Council via a s106 legal agreement which will be invested by the Council in initiatives aimed at improving the sustainability of the site by promoting cycling, walking etc. as well as monitoring the number and types of trips to ensure that car trips are minimised. A Travel Pack will also be provided for residents in the form of an introduction pack to the area with information on buses, trains, cycle and walking routes, local facilities such as schools, doctor's surgeries and other local facilities (shops, parks etc.)

Further to the above, the site has been designed so that if the land to the east of the site which is 'safeguarded' land comes forward for future development then a bus service could run through the site.

Finally, the scheme proposes a new footway will be provided in Oldcotes Road linking the site access to the existing network.

Taking the above into account, and subject to the applicant entering into a S106 agreement for the sustainability contribution, there are no reasons to refuse planning permission from a highways perspective. Accordingly, the scheme is considered to be in compliance with the relevant paragraphs of the NPPF, Local Plan policies CS14 'Accessible Places and Managing Demand for Travel', SP26 'Sustainable Transport for Development' and SP56 'Car Parking Layout' and the relevant guidance including the Council's adopted Parking Standards, Manual for Streets and South Yorkshire Residential Design Guide.

Public Rights of Way

In terms of the footpaths it is of note that whilst some of the objectors have indicated that they have walked over this site in the past, the land owner has indicated that there is currently (or previously) no authorised public access to the site and no public rights of way are affected by the development. In addition, there are currently no claims over the site. If a claim were to be submitted then it would be investigated accordingly.

The nearest PROW is sited on the opposite side of Oldcotes Road and the proposed development is to provide a footpath link through the northern boundary in the north-east corner of the site to allow residents both existing and proposed to walk through the development into the fields and adopted footpath to the north of the site. In addition, there will be footpaths through the site and around the area of public open space and SuDs area to the south-east of the site. A further link will be provided from the site into the adjacent Throapham Orchard to allow existing residents of neighbouring properties a through route to the adopted footpath on the opposite side of Oldcotes Road.

The layout has also been designed to allow an access into the site to the east which is allocated as safeguarded land, so that should this land come forward in the next plan period there can be a link into the site.

It is noted that comments have been raised regarding the buffer along the eastern boundary and whether this could create a bridleway. Whilst noted it is considered that as it would be sited to the rear of properties there is potential for this to become a 'muggers alley' with little natural surveillance apart from first floor rear windows most of which will be either secondary bedrooms or bathrooms. Furthermore, the area could result in disamenity through noise, general disturbance or anti-social behaviour, to the detriment of future residents and their amenity. Accordingly, it is considered that for other reasons this is not a suitable proposal in this instance.

It is considered that the proposal will provide sufficient safe and acceptable linkages to existing footpaths and bridleways which surround the site and the development will not affect any existing adopted PROW.

Landscape

Policy CS21 'Landscape' states: *"New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."*

Policy SP32 'Green Infrastructure and Landscape' states: *"The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development..."*

A landscape masterplan has been provided with the application and there has been some amendments to this through the application process in line with comments from the Council's Landscape Design Team. However, further information will be required in this respect and this will form the basis of a condition, which will seek to ensure the submission of a detailed landscape scheme prior to the first dwelling being occupied.

From the information provided initially with the application it was noted whether that the buffer on the eastern side of the site with the adjacent field should be increased to 5m wide to allow the buffer planting to grow naturally and form an appropriate visual screening. It was also suggested about a footpath link to Leys Lane.

The revised plans have provided a 5m wide planting buffer to the rear of the properties along the eastern boundary of the site with the adjacent field, but the footpath link was not considered suitable for reasons set out in the Public Rights of Way section of the report in terms of lack of natural surveillance and impact on future residents of people walking along the rear boundaries, potentially causing disamenity through noise, general disturbance or anti-social behaviour.

A further concern raised in respect of the landscape was in respect of the northern boundary and its treatment and appropriate management. The applicant has confirmed that the height of the northern boundary will be dictated by road safety and visibility splays but have clarified that the northern boundary will be retained and enhanced / strengthened, which is welcome and supported.

The landscape proposals for the site will introduce a hoggan footpath around the multi-functional Public Open Space in the south east corner, as well as benches and an interpretation board and appropriate planting around the site. This will include within the lowest part of the SuDS area species that are suitable for seasonally wet soils which are based on the vegetation of traditional flood plain and water meadows. Which will provide the SuDS with visual and amenity interest for the future residents of this development and the wider community who will be able to access this site.

The Council's Landscape Design Team have stated that, on balance and subject to conditions in respect of the detailed landscape design, including details of tree planting to garden frontages and more detail in respect of the open spaces and how they will function the proposed development from a landscape perspective, the application is considered to be compliant with policies CS21 'Landscape' and SP32 'Green Infrastructure and Landscape' and on that basis there are no landscape issues with the proposal.

Trees

The NPPF and adopted Local Plan Policy CS21 'Landscapes' calls for developments to contribute to and enhance the natural environment specifically bio-diversity and green infrastructure.

Whilst the development will require the removal of some of the hedgerow along Oldcotes Road for highway visibility reasons, there is to be some tree planting in its place behind the visibility splay and will be of a specie(s) that will not encroach within the visibility splay. Additional tree planting on other parts of the northern boundary are also proposed.

The site will also provide additional tree planting within the front garden areas of numerous plots, as well as within the areas of public open space within the centre of the site, to the west close to the Orchard and within and around the dry basin SuDs area, part of which will also include other types of planting and walkways around.

Accordingly, the application will result in an increase in tree numbers across the site.

In respect of existing trees within the adjacent Orchard it is considered that the development is to be sited a sufficient distance from the Orchard to ensure that the construction phase should not cause any disturbance to the trees or the root protection areas around them.

The Council's Tree Service have noted that there is one sycamore tree that is closest to one of the development plots and the Tree Service have indicated that this tree would meet the requirements of protection under a new Tree Preservation Order to ensure it is not subjected to inappropriate management. The tree is owned by the Council and as such the management of the tree will fall on the Council and should any work be required to this or any tree within the Orchard, it will require the authorisation of the Council. Should a new Tree Preservation Order be served on this or any tree in the Orchard it would be done so by the Council's Tree Service and would not affect the determination of this application.

The Tree Service have raised some concerns regarding the loss of part of the northern boundary hedgerow and have raised the same concerns as colleagues in respect of the eastern boundary and the potential for a footpath, which has been considered elsewhere in this report. However, they have indicated that on balance and subject to standard conditions requiring the submission of information in respect of how existing trees will be protected throughout the construction phase, prior to works commencing; and additional detailed planting information and a tree monitoring plan before the first dwelling is occupied, the application is acceptable from a tree planting perspective.

Ecology / Biodiversity

Paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

Policy CS20 'Biodiversity and Geodiversity' states: *"The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected, and measures will be taken to enhance these resources ..."*

Policy SP33 'Conserving the Natural Environment' states: *"Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery..."*

Policy SP35 'Protected and Priority Species' states: *"Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced."*

The Council's Ecologist has assessed the submitted Ecological Appraisal and notes that the phase 1 survey was undertaken within the optimum time of year. The Ecologist further notes that the adjacent Orchard should be considered as a Traditional Orchard rather than a Deciduous Woodland, although both are Principal Habitats and both are Rotherham Biodiversity Action Plan habitats and likely to be UK Biodiversity Action Plan Habitats. Notwithstanding the Council's Ecologist has confirmed that they agree with the report survey methods, assessment and the recommendations detailed within, which include the retention of planting of new hedgerows; a buffer to protect Throapham Orchard; protection of hedges and orchard during construction; provision of bat and bird boxes; gaps in fences to allow a hedgerows to pass through the site; and the removal of vegetation outside of bird nesting season.

In light of the above it is concluded that subject to conditions requiring the scheme to be carried out in accordance with the recommendations set out within the Ecological Appraisal, the development would not adversely affect biodiversity and will provide net gains for biodiversity, through increased planting on site, the provision and bat and bird boxes throughout the site and the creation of hedgehog runs by having gaps in the bottom of garden fences. Accordingly, the scheme would be in compliance with paragraph 170 of the NPPF and Local Plan policies CS20 Biodiversity and Geodiversity'; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species'.

Policy SP36 'Soil Resources' states, in part, that: *"Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority..... Built development should be designed and sited with an appreciation of the relative functional capacity of soil resources and threats to soils with the aim of preserving or enhancing identified soil functions. Measures to incorporate green space and sustainable drainage elements that retain permeable surfaces, allow water infiltration, reduce soil erosion and maintain natural soil functions will be supported. Measures that*

waste soil resource, reduce soil quality, compact or pollute soils or that create a predominantly impermeable surface should be avoided.”

The proposal includes areas of green open space and sustainable drainage methods are to be used. For this reason it is considered appropriate that the submission of details of the quality of soils on site and their movement and temporary storage during construction is conditioned to ensure that the character of the soil to be conserved is done so as part of a Construction Management Plan.

Provision of Open Space on site

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

Policy CS22 refers to detailed policies in the Sites and Policies Document that will establish a standard for green space provision where new green space is required.

Policy SP37 ‘New and Improvements to Existing Green Space’ states that: *“Residential development schemes of 36 dwellings or more shall provide 55 sq. metres of green space per dwelling on site to ensure that new homes are:*

- i) within 280 metres of Green Space*
- ii) ideally within 840m of a Neighbourhood Green Space (as identified in the Rotherham Green Space Strategy 2010); and*
- iii) within 400m of an equipped play area.”*

The proposal comprises of 285 dwellings which triggers a requirement to provide new open space unless the new dwellings would be within 280 metres of an existing accessible open space (included within the Green Space Audit). The quantitative standard for open space provision is set out in SP37 meaning that this development would require 15,675 sq. metres of open space to be provided on site.

The proposal would provide approximately 16,014 sq. metres within a variety of areas dotted throughout the site, these include the entrance feature adjacent Oldcotes Road, the buffer to the west of the site adjacent the Orchard, the multi-functional dry basin area to the south-east of the site and the area in the centre of the site which will provide play provision on site.

It is considered that whilst the dry basin area would provide a drainage function, the area has been designed to provide a multi-functional purpose. The upper part of the basin will be provided with a footpath, benches, interpretation boards and a mown margin which will entice people into the area. The area will also be suitable landscaped to enable play as well as providing a variety of different visual experiences and a good range of

flowering species for amenity value. The lower element will also be landscaped with suitable species in order to allow the area to be of amenity value from a visual aspect more than a useable space.

It is considered that from the information provided to date colleagues in Landscapes and Green Spaces are of the opinion that the approach to the design of the dry basin space is acceptable and is considered to be an excellent SuDS proposal with loads of extra interest, which is welcomed. The area will also provide a multi-functional green space area which would be accessible public open space and provide a visual amenity to the area. Accordingly, the proposal will provide a sufficient amount of public open space.

In addition, policy SP37 also requires all new homes to be within 400m of an equipped play area. The nearest existing equipped play area is sited at Chestnut Grove, but this would be in excess of 400m (as the crow flies) for approximately 95% of the proposed dwellings and this distance is increased when factoring the various routes to get to this area. Therefore, the equipped play area has to be provided on site in order to comply with policy SP37(b).

The applicant has indicated an area within the site can accommodate equipped play, which would include a mixture of equipment that can be used by a variety of ages and allow for a range of experiences. The Council's Green Spaces Manager has confirmed that the size of the area proposed for play equipment is acceptable as there is sufficient distance to future properties and would be overlooked to provide natural surveillance. It has also been agreed that the equipment should ensure it provides 6-play activities (spinning, climbing, sliding, balancing, swinging and) and the equipment should be aimed at a cohort of 5 to 12 year old. The precise details of the equipment itself will be agreed with the Council's Green Spaces department and will form part of the s106 legal agreement and will be agreed and provided before the 80th property is occupied. In addition, the developer will also need to make arrangements for the play equipment to be suitably inspected and maintained.

It is therefore considered that on balance and subject to the signing of a s106 legal agreement to agree the details of the equipped play area with the Council's Green Spaces Service the proposal would satisfy policy SP37 'New and Improvements to Existing Green Space'.

In addition to the above, the adjacent Throapham Orchard, which has substantive nature conservation interest, could, despite the substantial buffer zone within the development, potentially be negatively impacted by this new development through increased footfall from future residents of this development and existing residents of the wider area using the route as a cut through to the Public Right of Way on the opposite side of Oldcotes Road.

Policy SP33 'Conserving the Natural Environment' states: *"Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternative site, development proposal will be*

expected to minimise impact through careful consideration of design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures.”.

It is therefore considered that a planning obligation should be sought to mitigate the impact of additional footfall created by this development on the adjacent Orchard. The commuted sum to be required via the s106 legal agreement is £28,000. The monies would be used for the following:

Footpath improvements	£9,000
Orchard Trees maintenance and replacement	£4,000
Gates	£3,000
Bins	£2,000
Fencing	£10,000

It is therefore considered that for the reasons set out above the mitigation / compensation proposed is acceptable and will ensure the application satisfies the requirements of policy CS33 ‘Conserving the Natural Environment’.

Drainage and Flood Risk

The site is located with Flood Zone 1 but given the size and scale of the development there is potential for increased surface water flows through the development that could impact on future residents of the scheme and existing residents of neighbouring properties. As such, a flood risk assessment and drainage details have been submitted in support of the application.

Policy CS25 ‘Dealing with Flood Risk’ states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. Furthermore, policy SP47 ‘Understanding and Managing Flood Risk and Drainage’ states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 163 and 165 of the NPPF.

On the basis of the initially submitted drainage information, the Council’s Drainage Engineer whilst having no objections to the principle of the development of the site from a drainage / flood risk perspective but raised an objection to the scheme because at that time the information submitted had not demonstrated sufficiently that the development as proposed had a suitable means of drainage. The original information was considered to contain insufficient detail and some issues needed to be addressed / resolved before permission is granted.

The additional information put forward set out details regarding the full drainage proposals which will include the following:

- The foul water from the scheme is to be dealt with via a network of adoptable sewers (to be subject to a section 104 agreement) to a pumping station in the south east of the site. This is then pumped to the nearby Severn Trent Water sewer network within Hunters Chase – for which they have offered their approval and confirmed capacity is available for the development.
- The surface water drainage system has also been designed to utilize a network of adoptable sewers (to be subject to a section 104 agreement). In order to operate as a sustainable drainage scheme, as required by national and local policy, the surface water outfall is to an infiltration basin in the south east of the site. The basin is designed with 2 plateaus to offer useable areas when its functionality as an infiltration basin is not needed (i.e. at times of no rainfall). When it rains the surface water is piped into the lower basin, from here it then infiltrates into the ground. The basin is not designed to retain water for long periods of time.
- The basin volumes have been designed to accommodate different storm events, as agreed with the Council's Drainage officer. The proposals meet the national CIRIA SuD's manual guidance.

The additional information submitted has been considered by the Council's Drainage Engineer and they have indicated that they are now generally satisfied with the proposals but still require additional information which they are content to have provided via suitable worded standard drainage conditions so that a foul and surface water drainage scheme with further details is submitted and approved before the dwellings are constructed and the submission of a flood route drawing is also submitted and approved prior to the dwellings being constructed.

Further to the above it is of note that the Council's Drainage Engineer has indicated that the proposed location of the foul pumping station is fine from a drainage perspective.

It is therefore considered that subject to conditions the proposed development would comply with the requirements of the NPPF at paragraphs 163 and 165 and policies CS25 'Dealing with Flood Risk' and SP47 'Understanding and Managing Flood Risk and Drainage'. As such it would raise no drainage or flood risk issues either to future residents of the site or residents of existing surrounding properties.

It is of note that a local resident has raised a number of concerns regarding the flood risk and drainage aspect of this development which have also been raised with the local MP.

In respect of the concerns regarding the Flood Risk the Council's Drainage Engineer has confirmed that *"The variable and average to poor infiltration characteristics of the ground are not disputed and the low infiltration rates used in the calculations and design reflect this. As a sensitivity test of the assumed infiltration rate, the calculations have been re-re-run using only 50% of the design infiltration rate. It has been shown that the drainage system and infiltration basin are still able to accommodate the runoff in a 100 year + climate change event. Some on plot infiltration is also to be incorporated in the final design to better utilise the site's infiltration capacity. A planning condition requiring submission and approval of the final drainage design has been recommended."*

Further to the above, the Drainage Engineer notes that the development is designed in accordance with good practice guidance in respect of route exceedance flows (overland flows which could result from blockage of the drainage system or exceedance of the design capacity) away from buildings. A planning condition has been recommended to ensure that the relevant details are checked and approved by the Council.

With regard to the concern relating to culpability of flooding, it is of note that the predicted increase in rainfall due to climate change has been allowed for in the design of the surface water system and the mitigation provided by the attenuation ensures that flood risk is not increased by this development.

A concern was also raised regarding the substation and pumping station being sited in a flood zone. In respect of this concern it should be noted that the pumping station is located within the same area of open space as the infiltration basin but is not within the basin and is not at risk of flooding. Furthermore, a concern was raised that some of the proposed dwellings would be at risk of flooding. This would not be the case and the Council's Drainage Engineer is satisfied that the proposal would be able to be adequately drained via the various drainage proposals, in addition the site is located within Flood Zone 1.

Furthermore, foul discharge from the pumping station is via a rising main in the new highways in the development and existing highways off-site. However, full details will be required for approval via a suitably worded planning condition.

With regard to the issue raised in respect of existing flooding outside 1 & 2 Oldcotes Road and to the entrance to Manor Lane, the Council's Drainage Engineer notes that the site falls from north west to south east, away from 1 & 2 Oldcotes Road and the development will therefore have no effect on this localised flooding issue.

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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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 and minimises health inequalities." Policy SP52 'Pollution Control' states: "Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity."

In respect of amenity there are two elements

- iii) the impact of the construction phase on existing local residents; and
- iv) the impact of the development once constructed on the amenity of both existing local residents and future residents of the site.

Impact of the construction phase on existing local residents:

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds and staff parking; measures to deal with dust and mud on the highway; and details of hours of construction and deliveries. It is noted that construction traffic will access the site via the new proposed vehicular access off Oldcotes Road that will then be used once the development has been completed. No other accesses will be created.

Impact of the development once constructed on the amenity of both existing local residents and future residents of the site

With regard to the impact of the dwellings once constructed on the occupants of existing properties to the west, it is noted that spacing distances between elevations of the proposed dwellings and both the rear boundaries and rear elevations of existing surrounding properties satisfies the requirements outlined within the South Yorkshire Residential Design Guide in that there is at least 21 metres between principle elevations and at least 10 metres between principle elevations and boundaries. Furthermore, whilst there are some instances whereby the rear windows of proposed properties would have a 25 degree vertical sight line that would be under the ridge of the neighbouring proposed property's side elevation, none of these instances are where the side elevation is directly facing the rear elevation of the neighbouring dwelling, there will be a splayed view which will ensure that on balance the impact to future residents will not be sufficient enough to warrant a refusal in this instance. Accordingly, the proposed dwellings would not give rise to any overlooking or privacy issues. In addition, the proposed dwellings

would not appear overbearing or oppressive when viewed from neighbouring properties or from within adjacent private rear gardens due to the spacing distances, land levels and boundary treatments; and would not give rise to any overshadowing or a significant loss of direct sunlight and / or natural daylight.

Further to the above it is noted that the spacing distances between proposed properties within the site would all satisfy the spacing distances outlined in the South Yorkshire Residential Design Guide and all properties are provided with private rear gardens in line with the South Yorkshire Residential Design Guide. Accordingly, by virtue of the distance between properties, proposed boundary treatments, land levels and orientation of the site there would be no overlooking or privacy issues between properties and there would be no detrimental overshadowing of habitable room windows or proposed private rear amenity spaces.

Having regard to the above it is considered that subject to conditions the proposed development would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development. Accordingly, the scheme would comply with paragraph 127(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

Air Quality

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

NPPF states at paragraph 110 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Air quality in the Dinnington area is generally good, however emissions to air resulting from all new developments should be mitigated. The proposed development for 285 dwellings is classified as a Medium proposal as set out in the adopted Rotherham SPD 'Air Quality and Emissions'.

Box 3 of the SPD includes the following mitigation options:

- Provision of charging points for electric vehicle charging – 1 point per unit
- Consideration of air quality in designing the layout of the development;
- Provision of secure cycle storage
- Provision of incentives for the use of public transport (Travel Plan).

The site is not located within an Air Quality Management Area.

The Planning Statement submitted in support of the proposed development includes a commitment for the provision of an electric supply to all integral garages on the site to enable the potential for electric vehicle charging, and these shall be installed as per the requirements of the SPD.

In addition, the commitment to other mitigation options including retaining and protecting the majority of existing boundary hedgerows and new tree planting, protecting existing trees to the west of the site and a planting a 15m buffer of woodland provides green infrastructure on the development site, are supported from an air quality perspective.

In light of the above there are no issues in respect of air quality impact from the development and a condition should be imposed requiring details of Electric Vehicle charging points within the development to be submitted and approved before the first dwelling is occupied. As such, subject to conditions, the scheme would comply with policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 110 of the NPPF.

Affordable Housing

In regard to affordable housing provision, Policy CS7 'Housing Mix and Affordability' states: *"...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 policy position is therefore 25% of the total number of units on the site should be made available for affordable housing, which in this instance would be 71 when rounded down. The application only proposes to provide 70 units of affordable housing on site, which is 1.25 dwellings less than the full policy requires. This has been agreed as being acceptable on this site with the Council's Affordable Housing Officer.

The NPPF and the Council's affordable housing policy allow for commuted sums to be taken in lieu of some or all on-site provision. Accordingly, the topping up of the on-site affordable housing provision with a commuted sum to bridge the gap falls within the policy position at both a local and national level.

This commuted sum would equate to 40% of the open market value of a 3 bed Bamburgh unit (40% of £173,895 = £69,558), which is to be secured via a s106 legal agreement along with the 70 affordable housing units on site which will then be legally binding.

The commuted sum once paid will be ringfenced and can only be used by the Council to support the delivery of new affordable housing in the Borough. It cannot be used for any other purpose. The Council has five years in which to

discharge the money onto affordable housing schemes. Several projects have been identified where this money can be used.

Further to the above, the Council's Affordable Housing has confirmed that the mix of affordable housing on site is acceptable in terms of property types and locations in respect of the need in this area.

Therefore, having regard to the above and subject to the s106 agreement the proposal will comply with requirements of policy CS7.

Education

The Council's Education department have indicated that a financial contribution is required towards Secondary school provision in the area and this will be secured via a s106 agreement.

The contribution to be paid to the Council for education provision from this site would equate to £666,125 based on the Council's current adopted formulae.

Minerals

The site is located within a Mineral Safeguarding Area, policy CS26 'Minerals' states: *"Proposals for non-mineral development within the Mineral Safeguarding Areas...will be supported where it can be demonstrated that:*

- a. the proposal incorporates the prior extraction of any minerals of economic value in an environmentally acceptable way; or*
- b. mineral resources are either not present or are of no economic value; or*
- c. it is not possible to extract the minerals in an environmentally acceptable way or this would have unacceptable impacts on neighbouring uses or the amenity of local communities; or*
- d. the extraction of minerals is not feasible; or*
- e. the need for the development outweighs the need to safeguard the minerals for the future; or*
- f. the development is minor or temporary in nature; or*
- g. development would not prevent the future extraction of minerals beneath or adjacent to the site..."*

The applicant considers it unlikely that the site would be granted future permission for extraction of minerals and the development would not have an impact on the availability of mineral resources, as such development for residential purposes is not considered a loss of a future resource. This assessment is supported and as such policy CS26 has been satisfied.

Land Contamination

The application site is situated off Oldcotes Road, Dinnington and is centred on approximate NGR SK 532 870. The site comprises of a single square shaped parcel of agricultural land, covering an area of approximately 10.7 hectares.

Historically the site has been occupied by arable farmland. No significant development has taken place on the land throughout the past 150 years.

To determine the geo-environmental and geotechnical suitability of the site, intrusive site investigations were undertaken during January 2019. Site investigation works comprised the excavation of 19 trial pits and 6 soakaways.

The results of the site investigation revealed no made ground was present at the site and visibly no contamination was identified. This was confirmed also by the testing of soils submitted to an approved laboratory for chemical testing. Based on the chemical analysis results it is considered there is no risk to human health from contamination and the site is suitable for its proposed residential end use. The site is not affected either by ground gases, mines gas and radon gas.

It is concluded that the risks from contamination at the site are low and no remedial measures are required.

Archaeology

The Site Development Guidelines states that an application will need to be supported with a Heritage Statement for Archaeology. A report has been submitted which states the application has archaeological implications.

Once receipt of the initial report, South Yorkshire Archaeology Service indicated that a decision should not be made on this application until an intrusive archaeological dig take place across the site and its findings submitted for further comments.

An archaeological dig survey consisting of 53 trenches took place on the site over a period of approximately 1 month in late 2020. The findings of the dig have been provided in an additional report which has been submitted in support of the application.

To facilitate the dig which was required by the South Yorkshire Archaeology Service to take place and have the results submitted before any decision was made on the application, the formation of a single access to Oldcotes Road was provided in order to get the machinery on site. The access which was in a different location to the proposed vehicular access on the submitted plans for the development as a whole, was created by removing some of the hedgerow along Oldcotes Road, and, the laying of some hardcore, together with the installation of Heras fencing around the perimeter of the site. A portacabin was also placed on site for the duration of the dig.

Whilst the Heras fencing did not require planning permission because of its height and siting, the formation of the access, the laying of the hardcore and the siting of the portacabin did require planning permission. The applicant was made aware of this requirement, however no application was submitted for these works. The Council under delegated authority considered that at the time it was not expedient to take enforcement action against Harron Homes for the breach, due to the temporary nature of the works and since the dig has taken place, the hardcore has been removed and the access is no longer used as it has been filled in by additional Heras fencing and locked up. Harron Homes have been informed that the hedgerow would need to be reinstated, but currently this has not been completed.

In respect of the results of the dig South Yorkshire Archaeology Service have indicated that having reviewed the report detailing the results of the archaeological evaluation by PSAS Ltd, it confirms the archaeological potential shown in the earlier geophysical survey. In order to deal with the further archaeological requirements, the South Yorkshire Archaeology Service have recommend the imposition of a condition requiring the submission and approval by the Local Planning Authority of a Written Scheme of Investigation before any works commencing on site, which sets out a strategy for archaeological investigation and the development shall only be carried out in accordance with the approved WSI.

Other considerations

The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. A condition is recommended that would address this matter.

In respect of waste management requirements, it is considered that the information provided in the planning statement and design and access statement are not acceptable as regards the waste management requirements which are set out in policy WCS7 'Managing Waste In All Developments'. As such a Waste Management Plan complying with WCS7 will need to be submitted and will be secured by way of condition to any permitted scheme.

One of the recurring themes of the objections received relates to impact of 285 dwellings on local amenities, mainly schools and health facilities. In respect of schools, the Council's education service have indicated that a financial contribution will be required for secondary education provision in the locality and this has been detailed in the report. In respect of impact of the development on health facilities, the NHS Clinical Commission Group have been consulted on the application and whilst they have confirmed that there are capacity issues within this area of the borough, based on the developers estimated build out rate, it will allow them time to plan for expansion and bid for funds to achieve this.

Accordingly, if this was perceived to be an issue they would have requested a financial contribution from the developer via a s106 towards health care improvements, similar to those requested by the Council's Education department.

With regard to the majority of other issues raised by objectors which are material planning considerations such as the principle of developing this site, housing mix, impact on amenity of neighbouring residents and local amenities, highway safety, environmental concerns, ecological impact, drainage issues, loss of trees and landscapes and public rights of way have been assessed and considered. It is judged that these issues would not outweigh the conclusion that the proposal complies with the relevant planning policies and guidance.

With regard to other issues raised regarding the lack of community involvement by the developer prior to the application being submitted. This was raised with the developer as it is best practice to carry out some form of public consultation on larger developments and provide in support of the application a Statement of Community Involvement. The developer in a response to this issue has indicated that due to the COVID-19 situation it was not an option to carry out public consultation in the usual way, but local ward members were notified of the development prior to it being submitted.

It is noted that a resident has raised concerns regarding the potential for an existing tree to fall on a proposed property in high winds. This is noted but is not a material planning consideration. Similar the question raised regarding how the site will be powered and whether the local water board would increase the bills of existing residents are not material planning considerations and cannot be considered as part of the assessment of this application, as these are a matter for building control and the water board respectively. Although it should be noted that the development will have a substation provided on site and this will have been discussed outside of planning with the developer and the utilities company.

An objection has been raised claiming predetermination of the application and has referred to the Councillor's Workbook on Planning which is published by the Local Government Association. The purpose of the Workbook is to aid and support elected members in their role as council and community representatives. It does not relate to Council Officers. Officers are not aware of any discussions between the developer and elected members in relation to this scheme prior to the committee meeting, as such from the information available the claim of predetermination is unsubstantiated.

An objection has raised the concern about planning applications being submitted and determined during the current Covid-19 pandemic and that the Government Guidance on gatherings negatively impacts on the capability of required public gatherings where the voices of the local community can be heard and that application should be rejected until the opportunity exists for the local community to gather safely. The current situation in respect of public gatherings are noted but the Government during the Covid-19 pandemic have

published legislation which allows for virtual meetings such as planning boards to take place until such time that restrictions are lifted. Furthermore, during the current situation no planning authority in the country have the legal right to refuse the submission of a planning application or delay a planning decision until such time that the restrictions are lifted. The Government have actively encouraged the continuation of services and the decision-making process by passing specific legislative changes. Accordingly, there is no legal or planning basis to refuse the application on the basis of the current Covid-19 pandemic.

Conclusion

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on Residential allocated land which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological or environmental, while providing affordable housing. The application is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision of 25% affordable housing on site, agreement and provision on equipped play on site and the setting up of a management company to manage and maintain on-site open space provision, as well as financial contributions towards affordable housing in the Borough; promotion of sustainable travel measures; education provision and off-site public open space maintenance and protection of Throapham Orchard.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **05, 06, 23, 24 and 25** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **05, 06, 23, 24 and 25** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

525-110 Rev A, Site Location Plan received 21 August 2020

G1-00-PD, Brick Double Garage received 21 August 2020

House Types

PD.01.01, received 21 August 2020

PD.04.01, received 21 August 2020

PD.04.02, received 21 August 2020

PD.06.01, received 21 August 2020

PD.06.03, received 21 August 2020

PD.07.01, received 21 August 2020

PD.07.02, received 21 August 2020

PD.10.01, received 21 August 2020

PD.10.03, received 21 August 2020

PD.14.00, received 21 August 2020

PD.14.01, received 21 August 2020

PD.31.01, received 21 August 2020

PD.31.02, received 21 August 2020

PD.51.01, received 21 August 2020

PD.53.01, received 21 August 2020

PD.54.02, received 21 August 2020

PD.55.01, received 21 August 2020

PD.56.02, received 21 August 2020

PD.57.01, received 21 August 2020

PD.61.01, received 21 August 2020

PD.61.02, received 21 August 2020

PD.70.01, received 21 August 2020

PD.71.02, received 21 August 2020

19/296/TR/004, Proposed Access Arrangements, received 30 November 2020

525-001 Rev F, Site Layout, received 8 February 2021

525-005 Rev F, Materials Plan, received 8 February 2021

525-006 Rev F, External Materials and Boundary Treatments Plan, received 8

February 2021

525-009 Rev C, Indicative Finished Floor Levels, received 8 February 2021

9144-L-02 Rev G, Landscape Strategy Plan On Plot, received 8 February 2021

9144-L-01 Rev I, Landscape Strategy Plan POS, received 8 February 2021

9144-L-101B Detailed Attenuation Landscape Proposals, received 8 February 2021

525-202 Rev B, Sales Area Signage, received 9 February 2021

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 525-005 Rev F. 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

Reason

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

04

The approved boundary treatments detailed on drawing no. 525-006 Rev F shall be completed for each dwelling prior to first occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of the visual amenity of the area and in accordance with the Local Plan.

Highways

05

Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. 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 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 site security
- details of proposed hours of construction on/deliveries to the site;
- details of the quality of soil and its movement and temporary storage during construction;
- details of dust and mud suppression on site and local roads, taking guidance from (Control of Dust and Demolition Activities) (Feb 2003);
- details of measures to deal with stockpiling onsite to prevent any littering or dust nuisance;
- guidance measures when dealing with subcontractors;
- measures to deal with complaints from the site, including details of contact person;
- if generators are to be used on site, what measures are to be provided to prevent noise nuisance;
- vehicles to be sheeted when leaving the site;
- Consideration of BS:5233:2014 Guidance on Sound insulation and noise;
- Consideration of BS:5228:2009 Code of practice for noise and vibration control on construction and open sites;

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

06

Before the commencement of the development, details of the proposed works shown in draft form on Drg No 525-001 Rev D to Oldcotes Road which include the provision of a gateway scheme, extension of street lighting fronting the site, relocation of the change in speed limit signs and provision of a footway on the site frontage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development.

Reason

In the interests of highway safety.

07

Before the proposed vehicular access to Oldcotes Road is first brought into use, the visibility splays indicated on the proposed site layout (Drg No 525-001 F) shall be rendered effective by removing or reducing the height of anything existing on the land between the visibility splay and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained. The area within the visibility splay shall form part of the adopted highway.

Reason

In the interests of highway safety.

08

Prior to first occupation of any dwelling, 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.

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

Reason

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

09

Before the commencement of development of any highway associated with the proposed development road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

10

Prior to the first dwelling being occupied a Travel Pack should be produced in the form of an introduction pack to the area with information on buses, trains, cycle and walking routes, local facilities such as schools, doctor's surgeries and other local facilities (shops, parks etc.) and submitted to and approved by the Local Planning Authority. The approved Travel Pack shall be provided for each new resident on first occupation of any dwelling.

Reason

In order to promote sustainable transport choices.

Landscapes

11

Prior to the first dwelling being occupied, a detailed landscape scheme in accordance with the approved Landscape Strategy Plan POS, On Plot and Detailed Attenuation Landscape Proposals (9144 L 01 Rev I, 9144 L 02 Rev G and 9144 L 101 Rev B) shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- A planting plan and schedule detailing the proposed species, siting, quality, number, and size specification, and planting distances, including 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).
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

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.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

12

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

Ecology

13

The development shall be carried out in accordance with the recommendations set out in Part 4 of the submitted Ecological Appraisal Report, prepared by FPCR Environment and Design Ltd (July 2020), which include:

- Retention of and planting of new hedgerows
- Protection of hedges and Orchard during construction
- Biodiversity enhancement
- Suitable lighting scheme
- Provision of bat boxes
- Hedgehog gaps in fencing
- Vegetation removal outside bird nesting season
- Provision of bird boxes

Thereafter such measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

14

The Bat and Bird boxes and the Wildlife paths as shown on drawing 525-005 F shall be provided prior to the first occupation of that dwelling 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.

Air Quality

15

The 3-pin plug sockets provided as electric vehicle charging points and located in integral garages as shown on plan 525-005F shall be provided prior to each dwelling being occupied.

Reason

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

Communication

16

Details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF.

Land Contamination

17

All foundation works will be undertaken in accordance with sub-sections 13.3.1 – 13.4.6 of the above report entitled 'Geo-Environmental Appraisal – Land at Oldcotes Road, Dinnington – prepared by Lithos Consulting Limited, dated February 2019, Report No 330011'.

Reason

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

18

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

Reason

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

19

If subsoils / topsoils are required to be imported to site for garden or soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report.

Reason

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

Waste Management Plan

20

Prior to the development being first occupied a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 1) information on the amount and type of waste that will be generated from the site;
- 2) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);
- 3) an assessment of the potential to re-use or adapt existing buildings on the site (if demolished it must explain why it is not possible to retain them);
- 4) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 5) measures to minimise the use of raw materials and minimise pollution of any waste;
- 6) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 7) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and
- 8) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

Drainage

21

Construction of dwellings shall not begin until a foul and surface water drainage scheme for the site, based on the drainage strategy previously submitted, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. During construction, until the approved scheme has been implemented, adequate temporary arrangements shall be put in place to dispose of surface water. The scheme to be submitted shall demonstrate:

- Disposal of surface water via infiltration;
- 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
- Confirmation in principle from the adoption body that the design of the basin is suitable for adoption.

Reason

To ensure that the development can be properly drained.

22

Construction of dwellings shall not begin until 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 the development can be properly drained and will be safe from flooding.

Trees

23

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site in accordance with the submitted Arboricultural Assessment has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/ site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Timing and phasing of works
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

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.

24

The development hereby approved shall be constructed in accordance with a suitable Tree Monitoring Program.

(a) Prior to the commencement of development (including ground works and site clearance), the following shall be submitted to and approved by the Local Planning Authority:

A tree monitoring program to include:

- Confirmation of who shall be the lead arboriculturist for the development.
- Confirmation of the Site Manager, key personnel, their key responsibilities and contact details.
- Details of induction procedures for all personnel in relation to Arboricultural matters.
- A detailed timetable of events for arboricultural supervision concerning all tree protection measures within the approved Tree Protection Plan, including:
 - Prestart meeting with an Rotherham Council Tree Officer
 - Initial implementation/installation of the tree protection measures
 - Approved incursions in to construction exclusion zones
 - Final removal of the tree protection measures
- Procedures for dealing with non-approved incursions into the construction exclusion zones as detailed in the approved Arboricultural Method Statement .

(b) Within three months of first use of the development hereby approved, a report containing the following details shall be submitted to and approved by the Local Planning Authority:

- Results of each site visit by the lead arboriculturist with photos attached.
- Assessment of the retained and planted trees including any necessary remedial action as a result of damage incurred during construction.

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.

Archaeology

25

Part A (pre-commencement)

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

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

Part B (pre-occupation/use)

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

Reason

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

Informatives

01

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

02

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.

It is recommended that any vegetation clearance (includes all ground level vegetation as well as standard trees and scrub) undertaken within the site is conducted outside of the breeding bird season (March – end August inclusive) or in accordance with checking surveys undertaken by appropriately qualified ecologists prior to and during the construction phase of the development.

03

It is recommended that the development is designed and built to Secured by Design standards (www.securedbydesign.com). It is advised that:

- The footpaths that gives access to the rear of the properties has a lockable gate as near to the front building line as possible.
- Landscape should be kept low, to aid surveillance across the site.

04

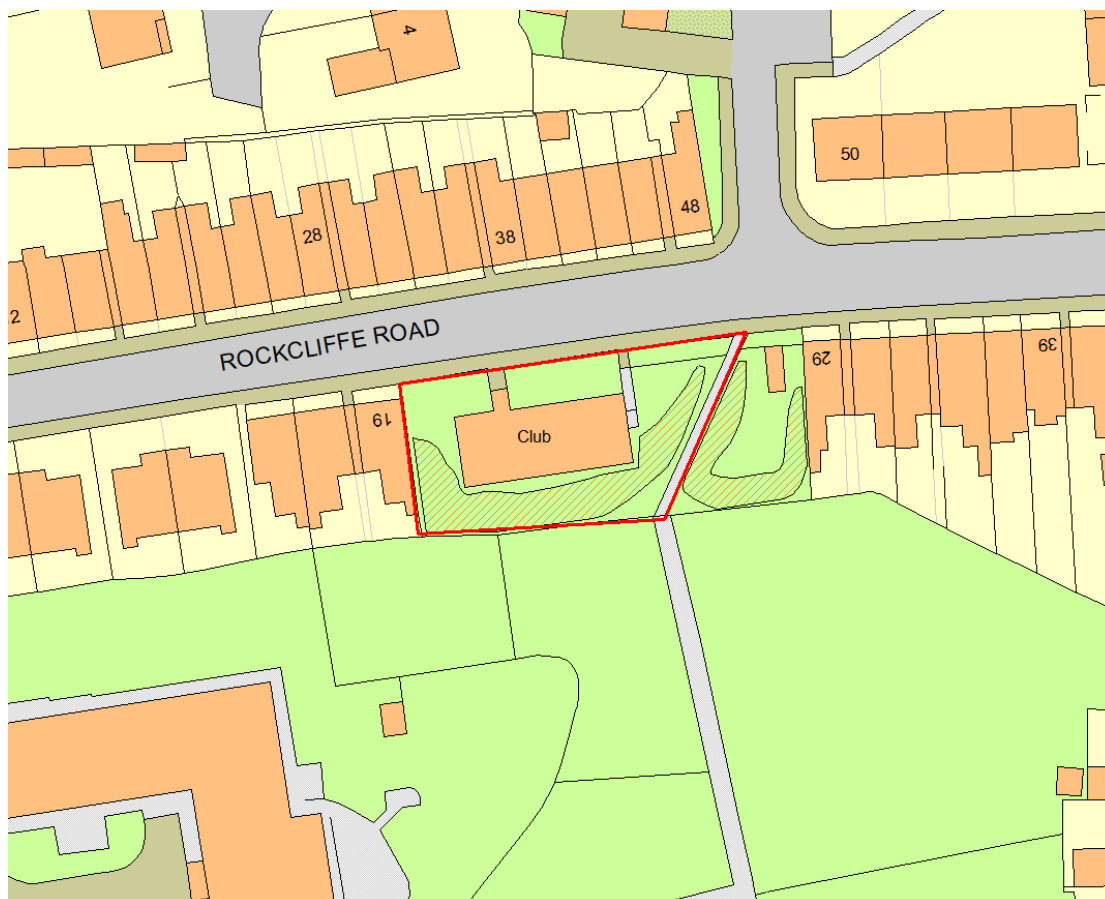
The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent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

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	RB2020/1655 https://rotherham.planportal.co.uk/?id=RB2020/1655
Proposal and Location	Erection of 8 No. apartments with associated parking & amenity space, former sports & social club, Rockcliffe Road, Rawmarsh
Recommendation	Grant subject to conditions

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



OFFICER REPORT

1. Site Description & Location

The site comprises of the former sports & social club on the southern side of Rockcliffe Road in Rawmarsh. The club was previously Council owned and was demolished in 2019. The site has since been soiled and seeded and is currently a grassed area. The site is approximately 1.8 miles north of Rotherham town centre and 0.4 miles north of Parkgate centre.

The majority of the surrounding area is residential and most of these properties are generally two story terraced properties with a high roofline. To the north east of the site are a row of terraced bungalows.

The site does not have any trees on it, though there are trees on the adjacent land to the south and east. The site lies on higher land levels than those to the south where there are long established allotments that are served from a path directly to the east. The site area is approximately 600sqm in size that is between approximately 26-36m in width with a depth of around 18m.

2. Background

There are no previous applications for residential development. The club was initially approved in 1965 and extended in 1968. It is understood RMBC demolished the club in 2019 and the site has then remained grassed and fenced off from public access.

In earlier 2020 an application (RB2020/0111) for 11 no. units was withdrawn, following concerns about the high density, scale and design of the proposal.

3. Proposal

The application is to erect 8 no. apartments in a two storey block comprising a combination of 1 and 2 bedroom apartments, associated parking and amenity space. The proposal also has provision for 8 no. off-street car parking spaces at the front of the site with some landscaping. The block is of a modern brick design with windows along the front elevation along and 2 separate entrances at ground floor level. The rear elevation has a number of Juliet balcony openings. There is limited rear amenity space with most of the proposed amenity area being in a triangular shape

The changes to the previous proposal can be summarised as follows:

- Reduction in the number of units from 11 no. to 8no.
- Reduction in overall height and scale from a full three storey to two storey with rooms in the roofspace.
- Removal of glazed stairwell to the front elevation.
- Reduction in the number of front entrances from 4no. to 2no.
- Installation of bay windows at ground floor level and more traditional elongated front windows.
- Reduction in parking bays from 11no. to 8 no. and an increase in the level of landscaping to the frontage.
- Re-configuration of second floor layout in the roofspace so that all habitable rooms are served by full windows instead of rooflights.

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

Design and Access Statement

- The efficient use of a vacant piece of land for housing purposes.
- The juxtaposition of neighbouring properties means that existing levels of residential amenity can be retained with no significant impact.

- Ability to offer satisfactory amounts of off-street parking clear of the public highway for occupiers and visitors.
- Sustainable location close to services and facilities.
- Close to main public transport routes and bus stops.

4. 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:

Core Strategy policy(s):
CS3 Location of New Development
CS28 Sustainable Design

Sites and Policies
CS21 Landscape
SP32 Green Infrastructure and Landscape
SP55 Design Principles
SP62 Safeguarding Community Facilities

5. Other Material Considerations

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.

The design advice within the South Yorkshire Residential Design Guide (SYRDG) is also relevant.

6. Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties. A total of 7 objections have been received from individual addresses and these can be summarised as follows:

- Insufficient parking is available for the development.

- It is likely that future residents may have more than one car, in some cases more than two cars.
- Existing on street parking will be reduced for users of the nearby allotments as well as residents.
- On street parking to the surrounding area has already been reduced due to increased parking restrictions to the Earl Grey pub.
- Excessively large number of units relative to the site area available.
- Concerns about overlooking and loss of privacy to the houses opposite.
- Queried whether there is demand for more of these properties.
- Semi-detached or detached properties preferred in this location.
- All residents on Rockcliffe Road should have been notified.
- Concerns raised about future conflict with commercial vehicles particularly during construction along with increased deposit of mud on road.
- Concerns raised at how the development would actually be built, as there is limited room for site cabins on this site.
- A number of the residents of the bungalows are elderly and require emergency access.

7. Consultations

Landscaping Officer – no objections subject to conditions

Transportation Infrastructure Service – no objections

Affordable Housing Officer – no Affordable Housing required

Environmental Health – no objections

Drainage – no objections subject to conditions

Yorkshire water – no objections

8. Appraisal

The main considerations of the application are as follows:

- The principle of development
- The design of the proposal, impact on the street scene and character of the surroundings
- The impact of the proposed development on nearby residential properties
- Highway safety issues

Principle of development

Local Plan Policy CS19 'Green Infrastructure' states 'A net gain in Green Infrastructure will be realised through the protection and enhancement of

existing assets and the creation of new multifunctional areas, assets and linkages...’.

In this instance the previous private members club has closed and been demolished in mid-late 2019. The site has subsequently been soiled and seeded with all traces of the previous use removed. A green paladin fence has been erected on the front half of the site preventing public access.

Policy SP62 Safeguarding Community Facilities indicates that “*development proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility, or that the retention of the land or building in community use is no longer viable, on the basis that: d. the site or premises have been marketed to the Council's satisfaction for at least 12 months and included both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and e. opportunities to re-let premises have been fully explored including the formation of a social enterprise or charitable group that can take over the premises; and f. the premises / site have been marketed at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals); and g. it has been demonstrated that the terms and conditions set out in the lease are reasonable and attractive to potential businesses, and that no reasonable offer has been refused.*”

In this instance the applicant has further justified the loss of the previous community use indicating that conversations have taken place with RMBC Estates Department who indicated the former private members club was closed due to lack of demand for the facility. Since the demolition of the building in 2019 the site has been vacant for over one year with no further interest shown as an alternative community use and subsequently was put into a land auction. Once the lease had ended the building had to be demolished. It is considered that the previous community use has therefore been permanently lost on the site and the principle of the site for residential use is the next most preferable use of the land.

No tree survey has been submitted, however there are no trees on the site. The proposed building does not appear to interfere with neighbouring trees.

The design of the proposal, impact on the street scene and character of the surroundings

In terms of more general design considerations 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.”

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

Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

- a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development;*
- c. the use of appropriate materials and landscaping and utilisation of natural features, such as topography, watercourses, trees, boundary treatments, planting and biodiversity to create visually attractive high quality development;”*

In this instance it is also considered that the character of the surrounding area consists predominantly of two storey terraced and some semi-detached properties in a traditional design and scale. It is considered that this revised submission for the creation of 2no. storey apartment block with a significant reduction in the amount of window and door openings in comparison with the previously submitted application is a much more appropriate design. The overall design is now considered to have a more traditional appearance with elongated windows and reduced number of windows and entrance doors. From a design aspect the revised application is now considered to be more reflective of the traditional character of the surroundings and is now considered to meet the criteria of SP55 paragraph *a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development.*

Whilst it is acknowledged that the amount of land available for development is quite restricted the Landscape Team have indicated that the submission is satisfactory with a sufficient compromise between the overall built form and planted areas.

The rear outlook to the proposed apartments is in the order of 3m and is under the recommended 10m as outlined in the SYRDG. This site along with others in the vicinity is short in length from front to rear and it not realistically considered that a full outlook could be achieved in this instance. the amenity area available to the rear and side of the development is now of a more usable size for future occupants. The scale of the development has been reduced which further reduces the overall spacing requirement. The SYRDG requires 50sqm + 10sqm per apartment of external amenity space (130sqm required). In this case the amount of useable amenity area is around 140sqm. Overall the proposal is considered to meet the SYRDG, SP55 ‘Design Principles’ along with the general advice in the NPPF.

Overall this revised application for a new development which is two storey in scale of a traditional appearance is considered to conform to the character and appearance of the surrounding urban area as required in SP55 'Design Principles' in addition to the general guidance within the NPPF.

The impact of the proposed development on nearby properties

As indicated above the proposal does not meet minimum recommended external outlooks of 10m as indicated in the SYRDG. However, whilst the proposals appear to increase the potential to overlook the allotment site to the south, the proposals do not directly overlook any of the existing dwellings on Rockcliffe Road. The allotment site is unlikely to be developed during the lifetime of the current Local Plan. It is also noted that few of the surrounding properties also meet current spacing standards.

In terms of the rooms within the roofspace, the reconfigured floor layout now shows apartment no. 7 has been reduced to a one bed property. There are newly inserted side windows have an outlook of 19m along the eastern elevation which is substantially in excess of the minimum recommendation. Although there is a proposed outlook on the western elevation, this is only a secondary window and can be obscure glazed with the principal window being on the southern elevation.

A number of objections highlight potential overlooking issues. However, a number of other properties on Rockcliffe Road have first floor window to window spacing distances between 13 to 15m. In this case the spacing between the proposal and the front elevation of existing properties opposite is in the order of 18m. As there this would be across a public highway and does not reduce a private amenity area, it would not be expected to achieve a 21m spacing distance.

Overall and taking the above issues into account it is not considered that the proposal would likely result in any material increase in overlooking. It is also considered that all habitable rooms would now have an adequate outlook.

Drainage

The Drainage Officer has indicated that discussions with agent have indicated that there is a backup option if the percolation test proves that soakaways are not viable for the disposal of surface water. In this case as only 8 flats are now proposed so the application is no longer classed as a major application, this element is satisfactory subject to conditions. The Drainage Officer gives more technical advice regarding the percolation test details which is included within an informative below.

Highway safety issues

The Transportation Unit note that the proposed on site car parking provision (8 No. spaces) does not fully accord with the Council's parking standard for new residential development in that no provision is made for visitor parking. However, the site is in a highly sustainable location in transport terms and measures to promote sustainable travel can be secured by condition.

Whilst Rockcliffe Road is subject to significant on street parking at present, the Transportation Unit are of the opinion that the development, if implemented, will not result in a material increase in on street parking demand.

The appearance of the car parking area has been considered the design section above. From a highway safety perspective the proposals are acceptable subject to conditions.

Other Issues

The Environmental Health section have raised no specific concerns on residential amenity issues.

This Council's Affordable Housing Officer has confirmed that the application will not be subject to the affordable housing policy requirement.

The Police Architectural Liaison officer has not raised any objections, subject to a recommendation that the development is designed and built to Secured by Design standards.

9. Conclusion

Overall the principle of a residential is acceptable in this location and the loss of the previous community facility has been justified in policy terms. The Council considers this revised two storey scale and improved design to be of a significantly better appearance than the previous proposal and the number and fenestrations of the proposed windows is considered to be more in keeping with those in the immediate surroundings. The revised submitted showed improved amenity space provision as well as the additional landscaping to the front car parking area providing some relief to the solid mass of hardsurfacing.

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 MS/92/19 – 03, site plan 01, elevations and floor plans MS/92/19 – 02, street scene MS/92/19 – 06)(received 19/10/2020).

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

05

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

Reason

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

06

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

Reason

In order to promote sustainable transport choices.

07

Prior to the first occupation of the dwellings 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. The boundary treatment shall be completed before the dwellings are occupied.

Reason

In the interests of the visual amenity of the area and the amenity of neighbouring residents.

08

Before the development is brought into use, a final Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with the Local Plan.

09

Above ground development or any drainage works shall not begin until details of the proposed means of disposal of foul and surface water, including details of any off-site work and on site attenuation of surface water flows, have been submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

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

10

The second floor bedroom window on the western elevation facing 19 Rockcliffe Road 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.

Informative

RMBC Drainage note the following:

The percolation test should undertake in accordance with BRE Digest 365 to prove that infiltration is a suitable means of surface water disposal.

Due to the topography of the site and surrounding area, the risk of infiltrating water reappearing as through as spring lines lower on the site or on neighbouring sites is possible and therefore soakaways may not be an appropriate means of surface water disposal. Further guidance on sloping sites can be found in section '8.4 Sloping Sites' of 'CIRIA - The SuDS Manual'.

If percolation tests prove to be ineffective, the applicant should identify a suitable means of surface water disposal and demonstrate how and where attenuation is to be provided. The site is classed as brownfield for runoff purposes and the maximum runoff rate should be reduced by a minimum of 30% based on existing flows and a 1 in 1 year return period. Yorkshire Water should be contacted for advice regarding discharges to existing combined, foul and / or surface water public sewers and they may impose lower runoff rates if surface water is to be discharged to the public sewer system.

The surface water drainage design should demonstrate the following:

- No surcharging above soffit level during a 2 year event;
- No flooding of any part of the site during a 30 year event;
- During a 100year + 40% climate change event, flooding may be accommodated on the surface if retained on site in areas such as car parks, roads or recreation areas if the site layout and topography allow. If such surface flooding is not practicable, attenuation features should be designed to accommodate this level of event;
- For larger events, the site layout should be designed so exceedance flows are routed away from buildings, and an exceedance plan will be required showing proposed internal and external ground levels and features affecting flow paths.

The calculated proposed impermeable area should be increased by 10% to allow for urban creep.

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.