

**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 8<sup>TH</sup> APRIL 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.

<b>Application Number</b>	<b>RB2020/1783</b>
<b>Proposal and Location</b>	Outline application for the demolition of existing bungalow and erection of 6 No. detached dwellinghouses with all matters reserved at 13 Quarry Lane, North Anston
<b>Recommendation</b>	Grant with conditions

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



## **Site Description & Location**

This application relates to a large detached dormer bungalow constructed of artificial stone with a tiled roof located on Quarry Lane, North Anston. The site is located next to the car park for Greenlands Park. To the east of the site are a number of dwellings fronting Hall Close whilst to the north are residential properties on Greenland Close. The site is roughly rectangular in shape.

The area immediately adjacent to the site is predominately residential. There are a number of shops located across the road from the site to the south east on Quarry Lane.

## **Background**

KP1962/1339: Outline app to erect dwelling  
- GRANTED CONDITIONALLY 02/07/62

KP1963/1339A: Bungalow  
- GRANTED 01/07/63

RB2009/0926: Outline application for demolition of existing bungalow and erection of 6 No. detached dwellinghouses  
- GRANTED CONDITIONALLY 24/09/09

RB2012/1046: Outline application for demolition of existing bungalow and erection of 6 No. detached dwellinghouses (renewal of RB2009/0926)  
- GRANTED CONDITIONALLY 11/09/12

RB2015/1258: Outline application for the demolition of existing bungalow and erection of 6 No. detached dwellinghouse with all matters reserved –  
GRANTED CONDITIONALLY 06/11/15

## **Proposal**

The application seeks outline planning permission with all matters reserved for the demolition of the existing property and the erection of 6 No. detached dwellinghouses. It would effectively renew the most recent outline permission that was granted in 2015 and has expired. The applicants have submitted an indicative layout plan which is identical to that from the 2015 application and shows 2 No. detached dwellings fronting Quarry Lane with 4 No. dwellings located to the rear of these properties fronting an access road taken off Quarry Lane. All properties are indicated to be 3 bed, including a room in the roofspace.

The indicative layout plan shows that the existing drive would be used to form the main access into the site which would run along the western side of the site. A separate driveway would be provided to serve one of the new dwellings on the Quarry Lane frontage.

The applicants have submitted a Design and Access Statement which states that “it is considered that the proposed development will be compatible with the settlements size, character and setting and the surrounding houses are a mix of ages and appearances. The landscaping on the site and the building design will enable a high standard of housing environment.”

### **Development Plan Allocation and Policy**

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

The application site is located in an area identified as ‘Residential’ in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan Policies:

CS1 ‘Delivering Rotherham’s Spatial Strategy’  
CS28 ‘Sustainable Design’

CS33 ‘Presumption in favour of Sustainable Development’  
SP11 ‘Development in Residential Areas’  
SP12 ‘Development on Residential Gardens’  
SP 41 ‘Conservation Areas’  
SP55 ‘Design Principles’  
SP64 ‘Access to Community Facilities’

### **Other Material Considerations**

National Planning Policy Framework: 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.”

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide (SYRDG)

Supplementary Planning Guidance ‘Housing Guidance 3: Residential infill plots’.

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

## **Publicity**

The application has been advertised by way of individual letters to adjacent occupiers and by the display of a site notice. Six letters of objection have been received, including one from Anston Parish Council raising the following objections:

- The proposal for six units represents overdevelopment of the site.
- The development could lead to an increase in traffic problems including congestion and parking issues for local residents.
- The increased traffic would be dangerous at the junction of Nursery Road.
- The new dwellings could look out of place within the surrounding area which is characterised by properties at a lower density.
- The new dwellings could overshadow neighbouring properties and harm outlook.
- There is an historic boundary wall on the site. This could be lost as part of the re-development of the site.
- Impact on adjacent North Anston Conservation Area.
- There are mature trees on the site which may have to be removed.

Anston Parish Council raised the following comments:

- The proposal could lead to an increase in traffic on what is already a busy road.
- The proposal represents an overdevelopment of the site.

One resident, a local Ward Member, the Parish Council, and the applicant have all requested the right to speak at the Meeting.

## **Consultations**

Streetpride (Transportation & Highways) Unit: Raise no objections subject to the following:

1. Detailed plans to be submitted in accordance with the requirements of this permission shall include a vehicular turning space for a fire appliance to be provided within the site curtilage and the development shall not be brought into use until such turning space has been provided.
2. The site layout shall be designed in accordance with guidance from the South Yorkshire Residential Design Guide and Manual for Streets.
3. Car parking should be in accordance with the Council's minimum parking standards.

## Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of the development
- Design/layout and the impact on the character and appearance of the surrounding area, including the nearby Conservation Area
- Impact on the residential amenity of neighbouring residents
- Impact on highway safety
- Other issues raised by objectors

### The principle of the proposed development

The application site is located within an area identified as 'Residential' within the Council's adopted Local Plan Policies map.

Policy SP11 'Development in Residential Areas' states that: "Residential areas identified on the Policies Map shall be retained primarily for residential uses.

All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies." The proposed residential development meets this Policy.

Policy SP12 'Development on Residential Gardens' states: "*Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:*

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

In respect of criteria (a) listed above, no adjoining land is available for potential residential development so the scheme is considered to be comprehensive.

In terms of criteria (b) and (c) these will be assessed in greater detail in the following sections of this report, having regard to the fact that this is an outline application with all matters reserved.

Core Strategy Policy CS1 - Delivering Rotherham's Spatial Strategy states that: "Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community. Our strategy will make the best use of key transport corridors, existing infrastructure, services and facilities to reduce the need to travel and ensure that wherever possible communities are self-contained."

The NPPF notes at paragraph 68 that: "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: (amongst other things) c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes."

This is also supported by Core Strategy Policy CS33 'Presumption in favour of Sustainable Development' states that for existing communities to grow in a sustainable way new development should, wherever possible, be located where accessibility between new housing, existing centres, facilities and services can be maximised.

In this instance, Table 1 of the Sites and Policies Local Plan 'Distribution of housing, employment and retail growth' identifies Dinnington, Anston and Laughton Common as a 'Principal settlement for growth' and notes that they will provide 9% of the Borough's housing requirements during the Plan period. It adds that this figure is not a ceiling and that windfalls will provide additional flexibility.

It is considered that the site is within a sustainable location, given the site's close proximity to local amenities including medical centre and local shops, and being sited close to a bus route. In addition, the scheme amounts to a windfall site providing valuable additional housing within the Borough.

As such the site is within a highly sustainable location and would accord with the requirements of CS33 'Presumption in Favour of Sustainable Development' and SP64 'Access to Community Facilities'.

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...*"

The remainder of this report will assess whether the proposal conflicts with the Council's adopted Local Plan or whether the proposal can be approved "*without delay*".

Design/Layout and impact on the character of the area, including the nearby Conservation Area.

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

Local Plan Policy SP 41 'Conservation Areas' "Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles (amongst other things):

a. developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings."

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions. It adds that "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals (amongst other things):

- a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development;
- b. that an assessment of local building materials, their colour and architectural detailing has been undertaken and submitted with the application;
- 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;
- d. proposals reinforce and complement local distinctiveness and create a positive sense of place; public art should be incorporated into proposals where appropriate;
- h. the need to optimise the potential of sites to accommodate development which could, in appropriate instances, involve maximising densities."

As noted above, Policy SP12 'Development on Residential Gardens' states: "*Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where (amongst other things):*

- c. *development would not result in harm to the character of the area.*"

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

The National Planning Policy Framework (NPPF) states at paragraph 189 that: “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

The National Planning Policy Framework (NPPF) states at paragraph 190 that: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

The National Planning Policy Framework (NPPF) further states at paragraph 193: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

The National Planning Policy Framework (NPPF) further states at paragraph 196 that that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The NPPF at paragraph 124 states: *“Good design is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

In this instance the application is in outline form, with all matters reserved, so details of appearance, scale and siting are not being considered at this stage.



Furthermore, it is difficult to assess the impact of the proposals on the setting of the adjacent North Anston Conservation Area. However, the applicant has submitted an indicative layout plan which shows the provision of two detached dwellings on the Quarry Lane frontage, in place of the existing dwelling that would be demolished, with four detached dwellings at the rear within the existing garden area. This indicative form and layout would be of a similar density to that existing on both Hall Close and Greenland Close and would not be out of character with the housing on these streets, which are both short cul-de-sacs containing two storey properties. As such, it is not considered that the development would have an adverse impact on the setting of the adjacent Conservation Area.

The property has an attractive stone boundary wall of some age to the front and side boundary with Hall Close. From historic maps the stone wall appears to be an historic field boundary and looks attractive within the streetscene of Quarry Lane. It is noted that neighbouring residents raised concerns about its possible removal.

It is considered that the removal of a small section of wall to provide access to one of the dwellings fronting Quarry Lane would be acceptable and it is recommended that an informative be appended that sets out that the stone boundary wall to the front of Quarry should be retained where possible, other than to provide this access.

In view of the above, and subject to details to be submitted at the Reserved Matters stage, it is considered that the indicative details are acceptable.

#### The impact of the development on the amenity of neighbouring residents.

Policy SP55 'Design Principles' notes that: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals (amongst other things):

g. 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."

As noted above, Policy SP12 'Development on Residential Gardens' states: "*Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where (amongst other things):*

b) *the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness.*"

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.

The South Yorkshire Residential Design Guide sets out inter-house spacing standards which state there should be 21 metres between principal elevations and no habitable room window should come within 10 metres of a boundary with another property.

The indicative layout plan shows that the proposed dwellings would be sited so that their rear habitable room windows would be more than 10 metres from the boundaries with existing properties, and would not breach any 25 or 45 degree lines with existing properties. As such, given the indicative siting of the dwellings, the distance to neighbouring properties, together with the orientation of the properties they would not appear overbearing or obtrusive when viewed from other surrounding properties and would not give rise to any overlooking, loss of privacy or outlook that would be detrimental to the amenity of neighbouring residents, but all these matters would be looked at in more detail at the Reserved Matters stage.

It is therefore considered that with regard to amenity issues the indicative details would raise no significant issues to either adjacent occupants or the future occupants of the proposed scheme and as such the proposal would comply with requirements of the NPPF at paragraph 127 and Local Plan Policy SP55 'Design Principles.'

#### Highway issues:

With regard to highway issues, the Council's Highways officers raise no objections to the proposed scheme subject to the provision of a vehicular turning space for a fire appliance within the site curtilage, to the site layout being designed in accordance with guidance from the South Yorkshire Residential Design guide and Manual for Streets, and to car parking facilities being provided in accordance with the Council's Car Parking Standards.

#### Other issues raised by objectors

It is noted that a neighbouring resident has raised concerns about the loss of mature trees on the site. As there are a number of trees on the site it is considered reasonable to append a condition requiring a Tree Survey is submitted with any Reserved Matters application submitted in this respect.

It is noted that a neighbouring resident has raised objections on the basis of noise and disturbance including dust from the proposed development. It is considered that any development of the site would be temporary and any inconvenience to neighbouring residents would be too. However, it is considered reasonable to append an informative to any planning permission granted in this respect in respect of working practices during the construction phase.

## **Conclusion**

In conclusion, it is considered that the proposed outline application for 6 dwellinghouses to be sited on this land is acceptable in principle within this established residential area and it is considered that a scheme for 6 dwellings could be achieved without being detrimental to the visual amenity or residential amenity of the area, or to highway safety, subject to the recommended conditions.

Accordingly it is recommended that outline planning permission be granted subject to the recommended conditions.

## Conditions

01

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

Reason

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

02

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

Reason

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

03

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

Reason

To ensure that the development can be properly drained in accordance with Local Plan Policy SP47 'Understanding and Managing Flood Risk and Drainage.

04

The detailed plans to be submitted in accordance with the requirements of this permission shall include a tree survey in accordance with BS 5837:2005 Trees in Relation to Construction Recommendations section 4.2 to 4.5. to include all the existing trees on and adjacent to the site that may be affected by any development and the following details;

1. Reference number (to be recorded on the tree survey plan to a scale and level of accuracy appropriate to the proposal);
2. Species (common and scientific names, where possible);
3. Height in metres;
4. Stem diameter in millimetres at 1.5 m above ground level (on sloping ground to be taken on the upslope side of the tree base) or immediately above the root flare for multi-stemmed trees;
5. Branch spread in metres taken at the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan);
6. Height in metres of the crown clearance above adjacent ground level (to inform on ground clearance, crown stem ratio and shading);
7. Age class (young, middle aged, mature, over-mature, veteran);
8. Physiological condition (e.g. good, fair, poor, dead);
9. Structural condition, e.g. collapsing, the presence of any decay and physical defect;
10. Preliminary management recommendations, including further investigation of suspected defects that require more detailed assessment and potential wildlife habitat;
11. Estimated remaining contribution in years (e.g. less than 10, 10-20, 20-40, more than 40)
12. R or A to C category grading (see table 1) to be recorded and indicated on the tree survey plan

In addition the following details shall also be submitted for consideration and approval.

- root protection areas (RPA)
- a tree constraints plan (TCP)
- construction exclusion zones
- tree protection plan (TPP)
- arboricultural implication assessment (AIA)
- arboricultural method statement (AMS)
- existing and proposed contours and levels

Reason

In order that the Local Planning Authority may consider the desirability of retaining trees in the interests of amenity and in accordance with Local Plan Policy SP34 'Nature Conservation'..

05

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved

shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with Local Plan Policy SP34 'Nature Conservation'.

06

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Local Plan Policy SP34 'Nature Conservation'.

07

Detailed plans to be submitted in accordance with the requirements of this permission shall include a vehicular turning space for a fire appliance to be provided within the site curtilage and the development shall not be brought into use until such turning space has been provided.

Reason

To enable a vehicle to enter and leave the highway in a forward gear in the interests of road safety.

08

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.

09

No 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 Core Strategy Policy CS28 Sustainable Design.

10

Prior to the occupation of each dwelling, details of one vehicle charging point per dwelling shall be submitted to and approved by the local planning authority. The dwelling 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.

### **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

INF 25 Protected species  
Wildlife Legislation

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies

with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

03

Gigabit-capable full fibre broadband - The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. Please refer to the attached informative in this respect.

04

On site car parking facilities should be provided for each dwelling in accordance with the Council's Car parking Standards and the site layout should be designed in accordance with guidance from the South Yorkshire Residential Design Guide and Manual for Streets.

05

Landscaping details to be submitted under reserved matters shall have regard to the Rotherham Landscape Guide -

<https://www.rotherham.gov.uk/downloads/file/547/landscape-design-guide>

06

The stone boundary wall to the front of the site adjacent to Quarry Lane and to the side of the site adjacent to No. 11 Quarry Lane, shall be retained where practicable and incorporated into the development, other than to provide access to one of the dwellings fronting Quarry Lane.

#### POSITIVE AND PROACTIVE STATEMENT

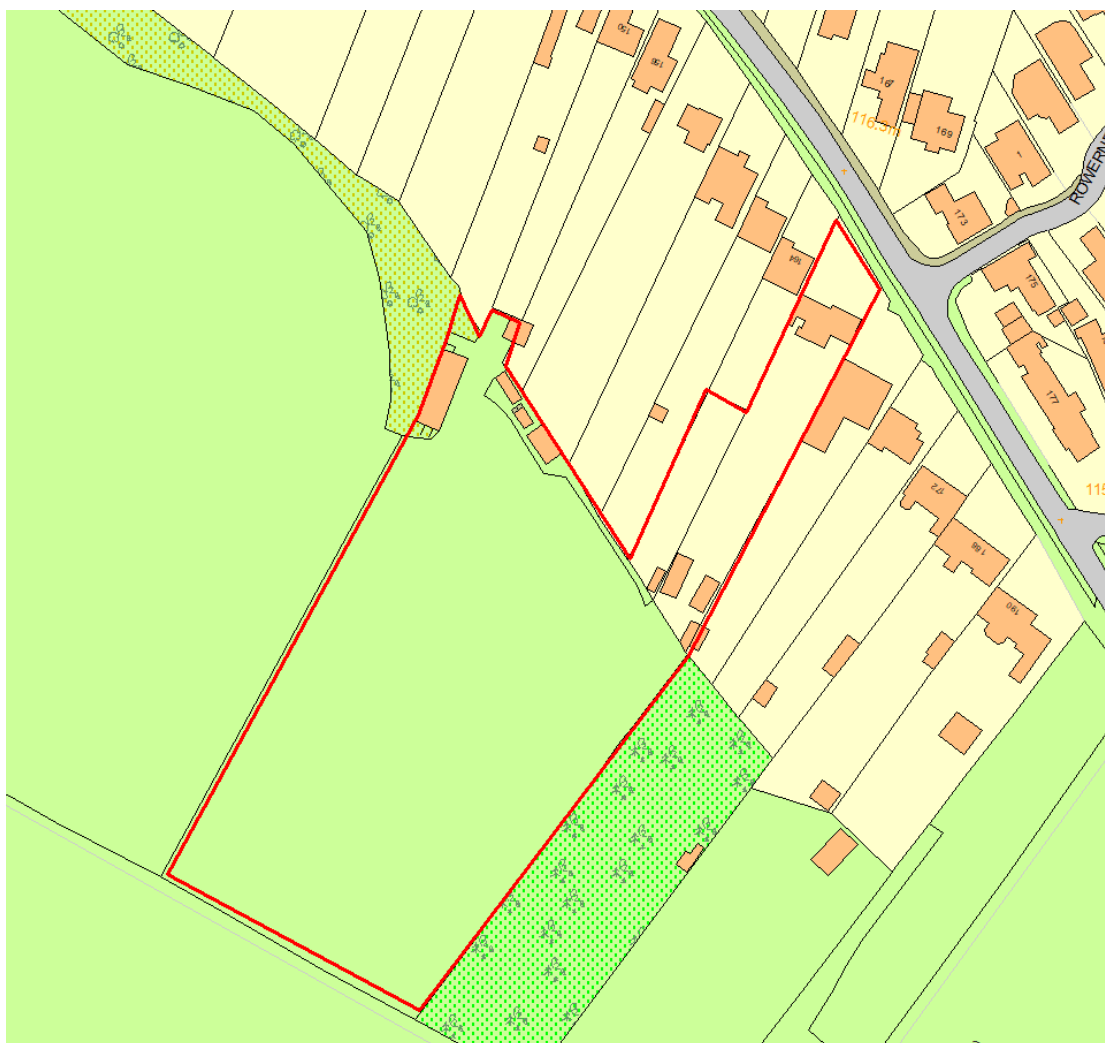
Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

<b>Application Number</b>	<b>RB2021/0060</b>
<b>Proposal and Location</b>	Outline application for the demolition of 166 Swinston Hill Road and erection of up to 46 no. dwellinghouses including details of access at land East of Wentworth Way, Dinnington
<b>Recommendation</b>	<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"> <li>• Financial contribution of £500 per dwelling towards sustainable travel measures to support the development</li> <li>• Affordable Housing in line with policy CS7 'Housing Mix and Affordability' (25% of final units to be affordable)</li> <li>• Financial contribution of £2,369 towards improvement to bus stop 35841 controlled by South Yorkshire Passenger Transport Executive to support the development.</li> <li>• Financial contribution of £750 towards the installation of a kissing gate on adjacent footpath (Dinnington Footpath No. 13)</li> <li>• Financial contribution of £390.69 per dwelling in respect of the installation of equipped play on the adjacent green space (Swinston Hill Recreation Ground) and £2,450 towards ongoing maintenance costs.</li> <li>• Establishment of a Management Company to manage and maintain the areas of Greenspace on site.</li> </ul> <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 application site is approximately 1.6 hectares in area and lies to the south of Swinston Hill Road, it comprises of No. 166 Swinston Hill Road which is two-storey detached dwellinghouse that has fallen into a state of disrepair and is currently vacant and boarded up. The property has a long rear garden that then merges into a large field to the rear of the property and runs along the rear of properties 150 to 164 (evens only).

To the west of the site is a large area of land which was approved for 157 dwellings off Wentworth Way under RB2019/0837) in July 2020. To the east is a field comprising of a number of mature trees, both in separate ownership to the application site. Beyond the rear (southern) boundary of the application site is an open field within the Green Belt and Dinnington Footpath No 13 runs along the southern boundary of the site.

The site slopes down from north to south.

## **Background**

There has been one previous planning application submitted relating to this site,

RB2019/1943 – Outline application for the demolition of 166 Swinston Hill Road and erection of up to 35 no. dwellinghouses including details of access – GRANTED CONDITIONALLY 01/05/2020

There was also an application for the site to the west within the same housing allocation:

RB2019/0837 – Erection of 157 no. dwellinghouses, new access, car parking, landscaping and public open space, including 3m high fence – GRANTED CONDITIONALLY 01/07/2020

### 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. Whilst the development in isolation does not meet the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed does not exceed 150, when combined with the development on the adjacent site for 157 dwellings then it would exceed this limit. As such, a screening opinion has been prepared. 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 application is seeking outline permission for up to 46 dwellinghouses with only details of access being considered. The proposal will involve the demolition of no. 166 Swinston Hill Road to facilitate the proposed access.

The applicant has confirmed that access in this instance will only cover the proposed new junction to Swinston Hill Road (including the first 10 metres of the access road) and the access points into the adjacent land to the west and east. The internal road layout will be assessed at reserved matters stage, along with layout, scale, appearance and landscaping of the site.

An indicative layout has been provided for information purposes only which shows a suggested layout of the site, with a pedestrian access linking to the western site and a vehicular access link to the potential development on the eastern site. A further pedestrian link is shown to access the Dinnington Footpath No 13 that runs along the southern boundary of the site, and a proposed link is shown to potentially open up the rear gardens of properties to the west of the application site for residential development in the future.

The applicant has also indicated that proposed new dwellings on the site can range from single-storey to two and half storey dwellings, with heights ranging from 6 to 9 metres.

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

#### Design and Access Statement

The statement provides information on the site, the local area, the proposal and planning policy. In addition it provides details on highways, ecology, landscape, flood risk and drainage, heritage and archaeology, green infrastructure and education.

#### Masterplan

The purpose of this Masterplan document is to show by illustration and text how the development proposals have been formulated, what has influenced the design and layout of the site, and how the various development constraints have been dealt with. The Masterplan accompanies an Outline Planning Application and is to be viewed as part of those submissions. It will provide a document that will guide and influence the reserved matters submissions at a later stage.

#### Ecological Impact Assessment

The survey was carried out in March 2019 and its objective was to provide information on any known or potential protected or rare species that may be using the site, and to outline recommendations on how to proceed with the works in a legal and ecologically sensitive manner.

The report provides general recommendations / mitigation to ensure minimum effect on habitats and species.

### Bat Survey

The survey was carried out in June 2019 and found that the building to be demolished had moderate potential for supporting roosting bats. Two bat activity surveys were conducted and a low amount of bat activity was identified during each survey period, not bats were recorded emerging from or re-entering the buildings.

No nesting birds were observed.

### Reptile Survey

The reptile survey was undertaken in May 2019 and found no reptiles were found during the seven site visits, and as such concluded that the site supports no reptiles and is considered that the proposed development will not have a negative impact on reptiles.

### Landscape and Visual Impact Assessment

The report provides an assessment of the effects of the proposed development on the landscape of the site and its context.

The report states development of the land in the wider allocated site, i.e. to the immediate west and east of the site, has the potential to result in cumulative moderate and minor adverse and negligible effects with the development proposed at the application site. These cumulative effects are likely to provide most change for visual receptors situated on Dinnington's urban edge to the south west and users of the footpaths within the arable landscape to the south of the site.

### Tree Survey

The survey confirms that the trees were surveyed in August 2019; the survey took account of 25 features being a combination of individual trees, hedges and groups.

The tree cover is confined to the garden associated with no. 166 Swinston Hill Road and trees growing within the neighbouring property were close to the north western boundary of the site.

Trees within the garden range from category U, those of lowest value that are recommended for removal irrespective of development, through to Category C, being those of moderate value. Third party trees within the rear garden of no. 164 Swinston Hill Road were Category B.

The survey notes that those trees to be retained will be suitably protected during the construction phase and further arboricultural input is necessary at the detailed design stage.

## Flood Risk and Drainage Strategy

The report confirms that the site falls within Flood Zone 1, and the site and surrounding area would be at low flood risk following development. Furthermore, the assessment indicates how the site may be suitably and safely drained to manage runoff from the new impermeable areas, and that by using Sustainable Drainage Systems the development can positively contribute to local flood risk management and optimise bio-diversity and amenity benefits.

## Phase 1 Land Contamination Report

The report states that the risk from ground contamination is considered to be very low and locally moderate and the risk from ground gas is considered to be very low.

It states that prior to development a ground investigation will be required, but on the whole the site is suitable for the proposed development, assuming compliance with all the recommendations contained within the report.

## Transport Statement

The report assesses the transport impacts associated with the proposed development.

It notes that vehicular access to the site is proposed via provision of a simple priority T-junction onto Swinston Hill Road and it states that the site is well located in terms of access to local amenities and facilities by foot or by cycle, and a new footpath link is proposed to the south of the site.

An assessment of the impact of development generated traffic on the local highway network has been undertaken and it is considered that there would not be a significant impact from the development on the transport network (in terms of capacity and congestion) or on highway safety.

## Travel Plan

The Travel Plan will form the framework within which the final Travel Plan for the site will be developed, outlining a range of measures considered appropriate to the type and scale of development proposed.

The Travel Plan states the site has reasonable pedestrian and cycle accessibility with a range of local amenities / facilities available within reasonable walking and cycling distance of the development. Rotherham and Worksop are accessible by using existing bus services, with bus stops being located within an easy walk distance of the site. Given the proximity of the site to the local facilities, travel on foot and cycling is a possibility for a proportion of local trips during both peak and off-peak periods, with buses providing for journeys to Rotherham and Worksop. Longer journeys to destinations such as Sheffield can be accommodated by rail.

## Heritage Statement and Heritage Impact Statement

The Heritage Statement presents an assessment of the effects upon the cultural heritage and heritage assets as a result of the proposed development. The statement concludes there are no high importance heritage assets within the development area or in its vicinity.

The impact statement notes that although there are no known heritage assets within the Subject Area, SMR entry 3021 – A Romano-British enclosure in Swinston Hill Wood – is significant to this assessment. The upstanding settlement remains have survived in the woodland through lack of agricultural activity, but were no doubt part of a larger system of settlement and agriculture in the vicinity of, and possibly within, the Subject Area, now damaged or masked by subsequent ploughing. However aerial imagery supports the view that some of this evidence may well survive below ground, to the north-west of the woodland in the close vicinity of the Subject Area.

Given the above, to mitigate against the possible loss of archaeological evidence within the Subject Area, it is recommended that a further stage of evaluation is carried out to identify or eliminate archaeological potential below ground.

### **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. 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)

National Design Guide

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 6<sup>th</sup> 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 site notice along with individual neighbour notification letters to adjacent properties. 12 letters of representation from individual addresses have been received, including 2 from local Ward Members and one from Dinnington Town Council which includes 11 individual names and signatures.

The issues raised by the local residents are summarised below:

- Access from the development onto Swinston Hill Road will be extremely dangerous, this access point is only a few hundred metres away from where the road reduces from 60mph to 30mph, cars do not slow to 30mph at this point and there is a real danger that cars pulling out will be hit by oncoming traffic.
- The ongoing disruption to residents due to noise, it is impossible to take this application in isolation without the committee considering the following - planning was already granted for six dwellings at 140 Swinston Hill Road and two years later for two dwellings at 146 Swinston Hill Road, this development is still ongoing as we move into our third summer, we are not able to enjoy our gardens and cannot open our windows due to noise, dust; fire smoke which at this time of Covid19 are both impacting our mental health and dangerous to our general health as we cannot ventilate our houses. We can feel trapped in our own homes. To the rear of us planning consent has been granted for circa 159 dwellings by Taylor Wimpy and now this planning permission is being sort for a further 46 dwellings to the rear of us. The noise and disruption will be relentless, on top of the three years we have already endured, further developments could last many more months and even years into the future.
- It is still astounding that any of these applications have been granted due to the fact that this was greenbelt land and the impact on the wildlife and environment.
- In addition, the local infrastructure will suffer, the Doctors are already full of patients and the schools are already overflowing.
- The increase in the number of dwellings and the increase in traffic will further impact on our ability to reverse onto our drive opposite the entrance.
- There are no plans to reduce the speed of traffic on Swinston Hill Road where drivers exceed the 30mph speed limit.
- Why does the plans still show that the road has a bend towards our house at no. 164. It was agreed at the planning committee in February 2020 that there was no reason why this road had to bend, and that it could therefore go up the middle so as not to be so close to our property.
- We do not agree with the letter from Highways regarding the impact that it will have on the traffic for the increased number of houses. Swinston Hill Road is already a very busy road and further traffic would make this road very dangerous.
- There is a problem of increase pollution from vehicle emissions and noise.
- The junction will create an accident blackspot.
- It was not clarified at the previous planning committee meeting about the possible link up between this road and the proposed houses off Wentworth Way.



- The proposed access road at the back of our house, is this is to be used to access even more houses on neighbouring gardens.
- We would like the Highways Department to confirm what width a road should legally be for two-way traffic, taking into account lorries as well as other vehicles. We have measured Swinston Hill Road and it measures 5.5 metres at the junction and few hundred metres down the road it is significantly narrower and measures 4.9 metres.
- There are drainage concerns, land around the area is hard bedrock and the proposal might lead to properties being flooded.
- From the previous plans we know that there are plans to build a pumping station, presumably this is for sewage only since the previous plans show the proposed properties to have a soakaway in their garden for top water which in itself causes risk to flooding and water logging the ground. Pumping additional sewage into the existing overloaded sewers will put even more strain on them particularly as the pumping station behind 140 and 144 Swinston Hill Road has already failed.
- What guarantees can be given that the proposed estate will not be linked up with the proposed Taylor Wimpey development off Wentworth Way. Without linking up, the proposed junction will create an accident blackspot, especially considering the speed of traffic on Swinston Hill Road. Linking up will increase traffic considerably.
- The development will impact on the wildlife that occupy the site.
- The traffic survey undertaken in the original planning application for 35 houses was undertaken at the junction of Lakeland Drive almost half a mile away.
- It appears safety conclusions were made based on data obtained for the larger residential allocation. Whilst this may have relevance to the number of trips per household, it does not address the specific safety issues of the proposed development entrance location. We request an independent traffic survey is undertaken to fully understand the safety risks of the location of the new access and the impact of proposed access.
- We are concerned about structural movement of neighbouring houses from the construction of the access road.
- The current owners of 166 Swinston Hill Road have so neglected their property (including the old stables which back directly onto our garden) that we have been unable to re-fence our property, cope with debris from the abandoned building and have had to stop using the bottom portion of our garden because of trespassers and drug use. If a development was to begin we would feel very vulnerable and exposed and would be very anxious for the safety of our property.
- I request that the link on the southern boundary to Public Footpath No. 13 be recorded as a public footpath and adopted by the Highway Authority. It is only a short link from the proposed development boundary. A matter of metres.

Local Ward Councillors John Vjestica and Jeanette Mallinder have raised concerns regarding the access to the development site in respect of the junction with Swinston Hill Road in relation to the volume and safety of vehicles. In particular there are concerns regarding the additional traffic generated from this development and the offset road junction opposite which could lead to potential traffic conflict and safety issues.

The issues raised by the Town Council are summarised below:

- Road safety – the size and location of the junction gives great cause for concern. As neighbours have stated, the junction is planned to be not far from the point at which the speed limit changes from 60mph down to 30mph. As a consequence, many vehicles still travel well in excess of the speed limit at this point and therefore this raises the prospect of this junction becoming a potential accident blackspot. In addition, it's location being slightly staggered across from the junction to Rowernfields, increases the concern and likelihood this could be the case.
- Emergency/large vehicle access – the access to this small estate is planned to be a single lane access, giving rise to concern that emergency vehicles in particular may find their entrance to this area inhibited should there be another vehicle at this junction when they wish to access it, potentially causing crucial delays.

No Right to Speak requests have been received.

### **Consultations**

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

RMBC – Affordable Housing Officer: The proposal will satisfy the Council's Affordable Housing Policy requirement.

RMBC – Tree Service: No objections subject to conditions.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Drainage: No objections subject to conditions.

RMBC – Environmental Health: No objections.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Education: No contribution would be required.

RMBC – Air Quality: No objections subject to conditions regarding provision of electric vehicle charging points.

RMBC – Green Spaces: No objections, subject to contribution to adjacent green space to provide equipped play facilities and maintenance.

RMBC – Ecology: No objections subject to conditions.

RMBC – Public Right of Way: The proposal does not appear to directly affect any definitive rights of way, but a single kissing gate should be provided on the Adopted PROW to the south of the site (Dinnington Footpath No. 13).

South Yorkshire Passenger Transport Service: Have recommended a contribution to the bus service 20 by way of an upgrade to bus stop 35841 to a new shelter, tactile paving, raised kerb and bus stop clearway.

The Environment Agency: No objections.

Severn Trent Water: No objections.

Sheffield Area Geology Trust: No objections.

South Yorkshire Archaeology Service: No objections subject to conditions.

NHS: Rotherham CCG raise no objections in principle to the proposed development, however acknowledge that there are capacity issues for primary care services within the wider Dinnington area.

SY Police Architectural Liaison Officer: No objections but have recommended how the site can achieve Secured by Design standards.

Yorkshire Wildlife Trust: Have raised some concerns with the scheme.

## **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 and Trees
- Ecology / Biodiversity
- Drainage and Flood Risk
- General Amenity
- Air Quality
- Affordable Housing
- Education
- Minerals
- Land contamination
- Archaeology
- Other considerations

## Principle

The site is identified in the Sites and Policies Document within Policy SP1 'Sites Allocated for Development' as Housing Site H81 (total area 7.45ha) and it indicates that the total site area has a capacity of approximately 243 dwellings.

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.

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. This proposal only accounts for part of the whole residential allocation of H81 due to the allocation being in several different ownerships. 157 dwellings have been recently approved on the last to the west within the allocation and together with the proposed development would provide approximately 203 dwellings, which is broadly in keeping with the capacity of the overall site of 243 dwellings as the land to the east will remain available for development.

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

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

In terms of 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.*”

The site would be sited within an appropriate distance to primary schools on Lidgett Lane and Park Avenue, the community hall on Lidgett Lane / Swinston Hill Road junction, and various shops on Lakeland Drive and Lordens Hill. As such the site is located within close proximity to a range of shops and services and would comply with the requirements of policy SP64.

### *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...*

Whilst the housing mix is not being considered fully at this stage and will be given more weight during the consideration of the reserved matters application, it is of note that the information submitted along with the indicative site layout plan indicates that the development will be able to provide a mix of dwelling types and of varying bedroom sizes. Therefore, the principle of this development in respect of providing an appropriate housing mix is considered acceptable at this stage and will be considered in greater detail on submission of the detailed plans with the reserved matters application.

It is also of note that the detailed plans submitted with the reserved matters application will confirm when everything is considered if the number of units proposed within the outline permission is achievable on site.

### *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.

As previously stated, the application is in outline form, with only access (in part) being considered and all other matters such as layout, scale, appearance and landscaping (including boundary treatment) being reserved for future consideration under subsequent reserved matters applications. Nevertheless an indicative site layout plan has been provided to show how the site may be laid out, and to show whether or not the site could accommodate up to 46 dwellings, with acceptable private/public amenity spaces, appropriate spacing standards and the required number of parking spaces per dwelling, and in this instance how the site would link up with the neighbouring development to the west and future development to the east.

The indicative layout shows a new access to Swinston Hill Road which would weave down between the gardens of nos. 164 and 168 Swinston Hill Road, with a two properties on the access road with potential to open an access into the rear gardens of properties to the west, before the site opens up with dwellings sited around an internal road. An access is then shown into the land to the east for vehicles, located next to a small open space area, and a pedestrian access into the adjacent site to the west and to Dinnington Footpath No 13 that runs along the southern boundary of the site.

The layout shows a mixture of detached, semi-detached and town houses and the documents submitted in support of the application indicate that the site could include bungalows, two storey and two and half storey properties.

It is considered that whilst further consideration will need to be had at the reserved matters stage in respect of inter-house spacing standards, size, scale, form, design and siting of dwellings, as well as amenity considerations, it is noted that from the information submitted with this application that the site could accommodate up to 46 dwellings, but the final number will be

dependent on consideration of the above issues during the reserved matters stage and the submission of a detailed layout plan.

Taking into account all of the above, any future application for reserved matters should have regard to the requirements of the aforementioned policies and guidance. However, on the indicative information submitted it is considered that the layout of the site could comply with the requirements of the NPPF, NPPG and Local Plan policies CS28 'Sustainable Design' and SP55 'Design Principles'.

### 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.

It is noted that a number of highway concerns have been raised by the objectors, specifically around issues of the junction and its impact on highway safety due to its location close to the junction with Rowenfields; general highway safety of Swinston Hill Road; and potential for more accidents and increase in traffic in the area.

The applicant has confirmed that in respect of the access considerations under the current outline application, this will be limited to the new junction to Swinston Hill Road and the first 10 metres of the carriageway into the site; the proposed future vehicle access into the site to the east which forms part of the



wider housing allocation; and proposed footpath link to the site to the west, which has an application for 157 homes (Ref: RB2019/0837). The internal layout shown on the illustrative layout plan is not being assessed as part of this application.

In respect of the width of the access road, its design will be undertaken at detailed stage, where measures to ensure that access / egress is achievable at all times will be considered. However, it is of note that this can be achieved either by widening the carriageway to 6.7m or by providing a shared pedestrian / vehicle surface which is designed appropriately.

The applicant has submitted both a Transportation Statement and Travel Plan in support of the application.

The Transportation Statement has highlighted that the site is well located in terms of access to local amenities and facilities and that a pedestrian / cycle link is to be provided to the housing scheme to the west and a footpath link to an existing public right of way (Dinnington Footpath no. 13). The point of access has been assessed and visibility can be achieved in accordance with Manual for Streets.

The Travel Plan assessed the existing pedestrian, cycling and public transport facilities in the area and concluded that sustainable travel opportunities for residents and visitors to the proposed development are reasonable. Local amenities and facilities in Dinnington are within a reasonable walk / cycle distance of the proposed development and bus services to Rotherham / Worksop are also within a reasonable walking distance. In order to promote sustainable travel choices in accordance with the Council's 'Transport Assessments, Travel Plans and Parking Standards Good Practice Guidance' which was adopted as part of Sites and Policies document the applicant will enter into a section 106 agreement with the Council for the provision of £500 per dwelling which will be used on local improvements / travel measures to aid sustainable travel.

In terms of the proximity of the access to Swinston Hill Road with the existing access onto Rowernfields, the Council's Transportation Infrastructure Service has confirmed that the proposed spacing of the junction complies with the relevant guidance and is no different to that previously approved under RB2019/1943. The location of the access has continually been identified, as the housing allocation in the Local Plan has always indicated that the access to part of the allocation would be derived from the demolition of no. 166 Swinston Hill Road, which is included in the allocation plan.

An objector has also raised issues with regard to the indicative provision of a potential access off the proposed access into the rear gardens of properties to the west of the site along Swinston Hill Road. These gardens are allocated residential and there are several examples along Swinston Hill Road of small backland developments of several dwellings, these are usually accessed either by demolishing a dwelling or widening an existing access to Swinston Hill Road, which has created several small cul-de-sacs. The applicant has

shown on the indicative plan that should an owner or owners of properties on Swinston Hill Road to the west of the site wish to create a small development of houses similar to others on Swinston Hill Road then they can link up with the proposed access into the application site, such that the proposed development would not prevent development of this land. Furthermore, this will potentially minimise the number of accesses to Swinston Hill Road itself in the future.

Finally, the proposed development does not link up with the road proposed under the planning permission on the land to the west (RB2019/0837) because the land to the west lies within another land ownership and at the moment there is no agreement between the land owning parties to have a road which passes through the site. The current indicative scheme has been designed in a comprehensive manner so that the development works as a whole over the entire allocation, and as part of this a pedestrian route has been indicated to aid pedestrian movement within the site.

In addition to the above, it is not necessary to have a through road, as access is achieved from the application site directly onto Swinston Hill Road as shown in the adopted local plan, and access to the western part is achieved via another approved single access point on Wentworth Way. It is considered that a through route would simply encourage people to drive through the estate which is not the objective of the layout - because there are two proper and acceptable access points there is no need for a link road. The layout as shown enables the two developments to establish character areas, and they are quite different in their layout approach (albeit the current proposal is in outline form only and only indicative).

Taking the above into account, and subject to the applicant entering into a S106 agreement for the sustainability contribution, there are no highway reasons to refuse planning permission in a highways context. 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', and SP26 'Sustainable Transport for Development' and the relevant guidance including the Council's adopted Parking Standards, Manual for Streets and South Yorkshire Residential Design Guide. Other matters such as parking provision on the site will be assessed at the reserved matters stage.

Further to the above the Public Rights of Way Officer has indicated that as the indicative layout shows a pedestrian link into the adopted PROW (Dinnington Footpath No. 13) to the south of the site, a commuted sum should be paid towards the installation of a kissing gate.

Further to the above, South Yorkshire Passenger Transport Executive have indicated that Service 20 (fully funded by SYPTE) passes the nearest stops on Swinston Hill Road. The size of this development does not justify contributions to the bus service, however to encourage sustainable travel and use of public transport the SYPTE recommend that stop 35841 (which is on the south side of Swinston Hill Road serving passengers travelling towards

Dinnington town centre) is upgraded to a new shelter, tactile paving, raised kerb and bus stop clearway. As service 20 operates a one-way loop in this area there is no need for stop improvements on the opposite carriageway.

#### Landscape and Trees, and on site provision of open space

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 broad assessment of the potential landscape capacity of the site to accommodate development was undertaken as part of the evidence base for the Local Plan which was adopted in June 2018. The Site Development Guidelines for H81 were prepared on the basis of this evidence. The site lies within the landscape character area 9a, East Rotherham Limestone Plateau, which is considered to be of moderate sensitivity to change. The site does not lie within a strategic Green Infrastructure corridor.

Within the site specific development guidelines, set out within the Sites & Policies Document several are relevant to landscape and are necessary to ensure that any new development is well integrated within the existing residential settlement. These include:

4) Landscape character impact – the retention of existing boundary vegetation will offer screening and setting for the development. Existing vegetation to boundaries is indicated to be retained. A tree constraints plan has been submitted but as the layout is not yet fixed, the full impact cannot be assessed at this time. This can be secured via condition on the outline consent along with a requirement for a Landscape masterplan to be submitted either prior to reserved matters coming forward or as an accompaniment to them.

5) A Landscape Assessment will be needed to assess and manage the impact of potential new development on landscape character and on natural landscape features such as trees and hedgerows. This has not been provided at this stage but would arguably be better submitted once the layout of the development has been fixed i.e. with a reserved matters application. Only then can the impact of the development be fully assessed. This is to be conditioned if necessary.

6) Development proposals shall provide a strong structural landscape framework within which this development will sit. The appropriate long term management and maintenance of any existing or newly created Green Infrastructure assets within the development will need to be

explored and funded. This should be provided with any reserved matters applications submitted in the future.

Accordingly, it is considered that at this stage and subject to conditions the impact of the development on the landscape can be suitably mitigated and the landscape design details of the site itself will be assessed during the determination of any subsequent Reserved Matters application.

In terms of on-site provision of open space the indicative layout plan shows an area of public open space within the site. Paragraph 96 of the NPPF states: *“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.”* Paragraph 98 states: *“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users...”* In addition, the site forms part of the larger residential allocation H81 and should be assessed as part of this overall site, which can clearly accommodate more than 35 dwellings. As such, the requirements of policy SP37 ‘New and Improvements to Existing Green Space’ would still be relevant in this instance.

Policy SP37 states:

*“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...*

*d. In all cases where new Green Space does not have to be provided on site, then developer contributions will be sought to enhance existing Green Space based on an assessment of need within the local area at the time of any planning application and proportionate to the scale and nature of the planned development...”*

The development of up to 46 dwellings would require 55 sq. metres of public open space on site. This would equate to 2,530 sq. metres, the indicative layout plan proposes an area of public open space to the west of the site adjacent to the Taylor Wimpey site and would equate to approximately 1,376 sq. metres which is below the threshold if the upper limit permitted by this outline application are proposed in the subsequent reserved matters application. However, all but a small portion of the site would be within 280 metres of the adjacent public open space off Birkdale Avenue known as the Swinston Hill Recreation Ground which can be accessed through the neighbouring Taylor Wimpey site and even the properties in the far south-east corner of the site would only be approximately 286 metres away. As such the public open space proposed on this site together with the majority of the site

being within 280 metres of a public open space would be sufficient to satisfy the requirements of SP37 a)(i).

Notwithstanding the above, the site does not fall within 400m of equipped play so a contribution per unit in line with the neighbouring development to provide a play area on the adjacent green space known as Swinston Hill Recreation Ground to the north, north-west of the adjacent development site, would be required in order to build the equipped play capacity in this new estate and for the wider community.

The contribution required for the provision of equipped play would equate to £390.69 per unit plus a £2,450 contribution to ongoing maintenance costs (£70 per unit).

It is therefore considered that the provision of improvements to the public open space in close proximity to the site by way of equipped play to be secured through a s106 contribution from both this development and the development adjacent will offer both existing and future residents with opportunities for sport and physical activity, and together with the site providing access to the local footpath network to the countryside to the south, the scheme will give opportunities for the improvement in the health and well-being of the community.

In respect of trees, the development will require the removal of at least 27 trees, but given the outline nature of this application no replacement planting details have been provided.

The Council's Tree Service have indicated that whilst there is no objection to the general principle of development as the trees to be removed are lower quality trees, they do represent a reduction in tree cover and the environmental benefits they provide. Accordingly, there are concerns over the lack of tree planting proposed, and it is recommended that details of replacement planting of at least 27 new trees, along with details of ground protection are submitted in support of any future reserved matters application, and several conditions shall be imposed requiring this.

### 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."*

It is noted that the submitted Ecological Appraisal assessed the impacts on Swinston Hill Plantation due to it being a Local Wildlife Site and approximately 400m of the site. It is considered that there may be a small impact in terms of increased human trampling from increased dog walking. It is considered that more could be delivered in terms of biodiversity enhancement such as planting native trees and shrubs, bat sensitive lighting and bat / bird boxes on properties.

In light of the above the planting of native trees and shrubs will be secured through the submission of a detailed landscape masterplan / scheme that has been recommended as a condition by Landscape colleagues. In respect of sensitive lighting an informative will be imposed in this regard, a further informative shall be imposed in respect of nesting birds. In addition in respect of bat / bird boxes a condition will be imposed to require the submission of their details and positions within the site as part of the reserved matters application.

The Yorkshire Wildlife Trust have indicated that the submitted Preliminary Ecological Appraisal submitted with the application be updated to an Environmental Impact Assessment to consider the full impacts of final landscape design on habitats and species on site. They have also indicated that the proposals should demonstrate a 'measurable' net gain in biodiversity as set out in paragraph 175(d) of the NPPF.

The comments received from the YWT are noted but at this stage the information provided with the outline application is deemed to be sufficient in respect of the scale and nature of the development. However, a condition shall be imposed requesting the submission of an Environmental Impact Assessment with the first reserved matters application and also that the details submitted with the reserved matters application should demonstrate a 'measurable' net gain in biodiversity as set out in paragraph 175(d) of the NPPF.

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.

Therefore from the information provided and subject to conditions the proposal would not adversely affect biodiversity and will provide net gains for biodiversity. 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’.

#### Drainage and Flood Risk

The Site Development Guidelines states the areas down stream of this site are known to be at high risk from surface water flooding. A Flood Risk Assessment will be required for any development on this site and additional restrictions may be imposed on discharge rates. On-site flood risk from overland flows should be assessed.

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.

The Council’s Drainage Engineer has noted that soakaways are proposed for disposal of surface water, no infiltration tests have been carried out for this site and they state they would object to any reserved matters application

which proposes infiltration as a means of surface water disposal if infiltration tests have not been carried out and it be demonstrated that ground conditions are suitable. Accordingly, any reserved matters application should be supported with details and result of infiltration testing.

Further to the above, some calculations and drainage information have been provided, but these are based on assumptions and will need to be re-done at reserved matters stage based on actual information.

Having regard to the above there are no objections in principle to this outline application from a drainage perspective, but several conditions will need to be imposed to ensure sufficient and suitable testing is carried out, the results of which are to be submitted with any reserved matters application, along with full drainage details.

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.

### 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

- 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.

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

SP55 'Design Principles' states 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."

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard will be had to the inter-house spacing standards set out in the South Yorkshire Residential Design Guide which states there should be at least 21 metres between principle elevations and no habitable room windows and no habitable room window should be within 10 metres of a boundary with a neighbouring property. These distances together with the 45 degree horizontal and 25 degree vertical sight lines ensure that proposed dwellings will not impact on existing residents in respect of being overbearing, affect outlook, cause overlooking or result in overshadowing of habitable rooms and private gardens.

With regard to the impact of the dwellings once constructed on the occupants of existing properties to the north, it is noted that some residents have raised objections on the grounds of privacy and overlooking from some of the proposed properties. These concerns are noted, but as the current scheme is in outline only and details in respect of siting, layout and scale are not currently being considered under this application, limited weight can currently be given to these concerns. Such details will be considered at the reserved matters stage.

Notwithstanding the above, the indicative layout shows that the site can be developed without harming the amenity of existing neighbouring residents, but this will be considered in depth at the reserved matters stage.

Further to the above, the indicative layout shows that the inter house spacing standards between properties within the site, as well as proposed rear garden areas can be achieved in line with the guidance set out within the South Yorkshire Residential Design Guide, but this will also be considered in depth at the reserved matters stage.

Objection has been received in respect of the curved nature of the access road close to the boundary of nos. 164 and 168 Swinston Hill Road; the Council's Transportation Infrastructure Service have noted that the first 10 metres of the access road should be at right angles to Swinston Hill Road, this will create a slight bend as indicated on the illustrative layout plan. The bend would not need to be as indicated and could follow the northern boundary.

Furthermore, the indicative plans show there will be sufficient space to provide some form of landscaping / enhancement to the boundaries adjacent to neighbouring properties to reduce the impact of noise and general disturbance from vehicles using the access road. In any event it is not considered that the use of this access for the limited number of dwellings proposed (including any additional development on the land to the east of the application site using the access) would be significant such that it would have a significant detrimental impact on the occupiers of the nearby existing properties.

With regard to crime and the fear of crime it is noted that the South Yorkshire Police Architectural Liaison Officer has recommended that the scheme be designed in accordance with Secured by Design principles. Furthermore, the scheme proposes dwellings with windows in the side elevations overlooking parking areas and footpaths to provide additional natural surveillance.

It is therefore considered that from the information available the site can be developed without adversely impacting on the amenity of local residents and can be developed in accordance with adopted Local Plan policy SP55 'Design Principles' and the requirements of the South Yorkshire Residential Design Guide, but these issues will be considered in depth at the reserved matters stage.

### Air Quality

Policy CS30 'Low Carbon & Renewable Energy Generation' states: *"Development must seek to reduce carbon dioxide emissions through 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 up to 46 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).

With regard to the application there are no air quality issues and as such subject to a condition requiring details of Electric Vehicle charging points within the development to be submitted and approved before the first dwelling

is occupied, the proposal 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:

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

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

### Education

The Education Service has indicated that this site would not require an education contribution.

### 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 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

Historically the land has largely been used for agricultural purposes with a small portion of the land given over to residential housing. A number of barns, storage buildings and outbuildings have been constructed in the past. Some of these appear to have been demolished and some in varying stages of disrepair.

Made ground of variable quality is considered likely to be present below the areas of the former building footprints which could give rise to a source of potential contamination. Such contaminants may include:

- Presence of naturally occurring metals in the soil.
- Presence of heavy metals / metalloids, PAHs, sulphates associated with the former buildings on site and the potential presence of made ground across the site.
- Presence of organic substances in the soil associated with past potential farm use.
- Presence of asbestos containing materials in near surface soils.

There is also some potential for the site to be impacted from contamination associated with the past farming practices (pesticides, herbicides and fungicides), the potential storage of fuels (unknown tank container), chemicals and equipment and any potential infilling of the land over time. Asbestos contamination at the surface of the site may also be an issue from the collapse of the barn roofing.

Residential development is proposed for the site which could introduce a sensitive receptor (i.e. human health) to the site with the potential for exposure to soil contamination, if present, in private gardens or areas of soft landscaping.

It is therefore recommended that a Phase II Intrusive Investigation is undertaken to assess for the potential presence and extent of contamination and to adequately characterise ground conditions across the site to provide the necessary geotechnical data for foundation design. This will be requested to be submitted for consideration with the reserved matters application.

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

## Archaeology

The Site Development Guidelines states that an application will need to be supported with a Heritage Statement for Archaeology.

As part of the Local Development Framework Development Sites Assessment in 2012, Wessex Archaeology assessed the archaeological potential of a large area, which includes both the current application and the wider site to the west. It found that: *“As the site lies within 500m of Romano-British and prehistoric finds there is a medium possibility of disturbing remains from these periods of unknown significance.”* The Heritage Impact Assessment which was submitted with this application, having reviewed some of the available archaeological and historical evidence, concluded that that archaeological evaluation is appropriate here, to characterise the archaeological potential.

Taking into account the results and recommendation for the adjacent development plot (RB2019/0837), South Yorkshire Archaeology Service have recommended that the area is archaeologically evaluated by geophysical survey, to be followed by a scheme of archaeological trenching. This should be done prior to submission of a reserved matters application for the plot and the results submitted with any further planning applications, to inform any recommendations on the reserved matters of the proposed development. This will ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters.

## 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.

It is considered that the issues raised by the objectors in respect of overdevelopment, design issues, amenity impact, ecological impact and drainage have been considered and assessed in the prevailing sections of the report.

Furthermore, the issue around impact on local infrastructure such as schools and GP services have been considered and the Council’s Education service have confirmed that an education contribution will be required and the NHS have confirmed the size of the development would not increase demand on these facilities.

Accordingly, whilst noted it is considered that in this instance the issues raised by the objectors would not warrant a refusal of the application.

## **Conclusion**

Having regard to the above, the application is considered to be acceptable in principle and the access arrangements would not result in highway safety issues. Therefore, the outline application would comply with relevant national and local planning policies in respect of the principle and access and is subsequently recommended for approval subject to conditions, including the provision of 25% affordable housing on the site, and signing of a S106 agreement for the provision of financial contributions towards improvements to the existing open space area to the north west, to a bus stop close to the site, for the promotion of sustainable travel measures and an education contribution, together with the provision of details of measures to manage and maintain any areas of public open space on the application site itself.

## **Conditions**

### General

01

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

Reason

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

02

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

Reason

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

03

The approval of details of the access into the site relate to the access on to Swinston Hill Road and the first 10 metres of the carriageway; the access points to the rest of the housing allocation to the west and east of the site, and the link to the Public Right of Way to the south of the site (Dinnington Footpath No. 13).

Reason

For the avoidance of doubt.

### Highways

04

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

- details of the proposed method of demolition of the existing property;
- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the demolition/construction work;
- the location of the site compound and staff parking;
- the location of the storage / loading / unloading of materials;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of demolition/construction on/deliveries to the site;
- details of the quality of soil and its movement and temporary storage during construction;

and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

05

The site layout shall be designed in accordance with the South Yorkshire Residential Design Guide and Manual for Streets.

Reason

In the interests of highway safety.

06

Car parking facilities shall be provided in accordance with the Council's Car Parking Standards.

Reason

In the interests of highway safety.

07

The detailed plans to be submitted in accordance with this outline permission shall include details of the proposed level boarding facilities (raised kerbs, tactile paving and bus stop clearway) at the bus stop (35841) fronting the site. The approved details shall be implemented before the improved bus stop is brought into use.

Reason

In the interests of highway safety and to improve public transport facilities.

08

The proposed on site layout shall be designed to facilitate possible future vehicle access to the safeguarded land to the south east.

Reason

In the interests of highway safety and to ensure there is a means of access from this safeguarded land to Swinston Hill Road.

09

The detailed plans to be submitted in accordance with this outline permission shall include a Travel Plan. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

Reason

In order to promote sustainable transport choices.

### Landscapes and Trees

10

All applications for the approval of reserved matters shall include a Landscape Masterplan. Such scheme shall be prepared to a minimum scale of 1:500 and shall clearly describe in plan, section and by other visual representations the following:

- Proposals for mitigating the impact of the development upon the borough landscape and for providing a strong and attractive structural landscape framework to the development.
- Retained existing vegetation, and proposals for restoration and enhancement, where relevant.
- Areas of structural and ornamental tree, shrub and other planting that are to be carried out, to the site perimeter.
- An indication of planting character, key species and tree planting sizes.



The scheme shall thereafter be implemented in accordance with the approved landscape masterplan.

#### Reason

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

11

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. The landscape scheme shall cover all plots, landscape buffers and POS areas and shall be prepared to a minimum scale of 1:200 and 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.
- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
  - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
  - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
  - Staking/tying method(s).
  - Five year post planting maintenance and inspection schedule.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice 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.

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

#### Reason

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

12

The detailed plans to be submitted in accordance with this outline permission shall include a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows to be retained. 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:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837\*, with tree works proposals. All trees must be plotted on a site plan\*\*, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan\*\* detailing all trees and hedgerows planned for retention and removal.
- 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.
- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A Tree protection plan\*\* in accordance with BS5837\* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule. 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.

\*Using the most recent revision the of the Standard

\*\* Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

#### 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.

#### Sustainable development/Air Quality

13

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

#### Reason

In the interests of sustainable development and air quality.

#### Ecology

14

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

#### Reason

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

15

With the submission of the first reserved matters application an Environmental Impact Assessment shall be submitted. Any mitigation measures detailed within shall be implemented within a timeframe to be agreed with the Local Planning Authority.

#### Reason

In order to fully assess the impact of the development and 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.

#### Land Contamination

16

In accordance with Section 6 - Further Investigation - p13 of the report entitled 'Phase 1 Site Appraisal (Desk Study) for Land to the rear of 166 Swinston Hill Road, Dinnington – prepared by GRM Development Solutions, dated August 2019, reference P9041' a Phase II Intrusive Site Investigation shall be undertaken to assess the geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority.

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

#### Reason

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

17

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

#### Reason

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

18

In the event that during development works unexpected significant contamination (including asbestos containing materials) is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. 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 remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report.

Reason

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

20

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

Reason

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

## Archaeology

21

Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted to and approved in writing by the Local Planning Authority and the approved strategy then implemented.

### Reason

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

## Drainage

22

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

The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.
- The ability to connect in to the foul water drainage system on the site to the west within the H81 Housing Allocation site and also to accommodate foul water drainage from the remainder of the H81 Housing Allocation site to the east, unless otherwise agreed in writing based on separate foul drainage solutions being pursued.

Reason

To ensure that the development can be properly drained and provides a comprehensive drainage scheme for the whole housing allocation.

23

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

Reason

To ensure that the development can be properly drained and will be safe from flooding.

24

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.

25

The detailed plans to be submitted in accordance with this outline permission shall include a flood route drawing. 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.

Reason

To ensure that the development can be properly drained and will be safe from flooding

### Waste Management Plan

26

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.

#### Communication

27

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

01

The detailed plans to be submitted in accordance with this outline permission shall include for provision of a vehicular access link into the land to the east, and pedestrian accesses to the land to the west and to the public footpath running along the southern boundary of the site.

02

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.

03

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

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.

04

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.

Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

05

In respect of drainage calculations and condition 22 above the design will also need to take the following into account:

- Due to the topography of the site, each plot may not be able to store the exceedance flows for the 1 in 100 + CC event storms. A flood exceedance route plan should be developed to ensure the proposed properties are not affected.
- Exceedance flows for the 1 in 100 + CC event storms should be kept within the site boundary and not spill onto neighbouring sites.
- The close proximity of the soakaways to each other may affect to efficiency of infiltration. Soakaways should be ideally positioned away from each other and a minimum of 5m away from structures.

06

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

07

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.