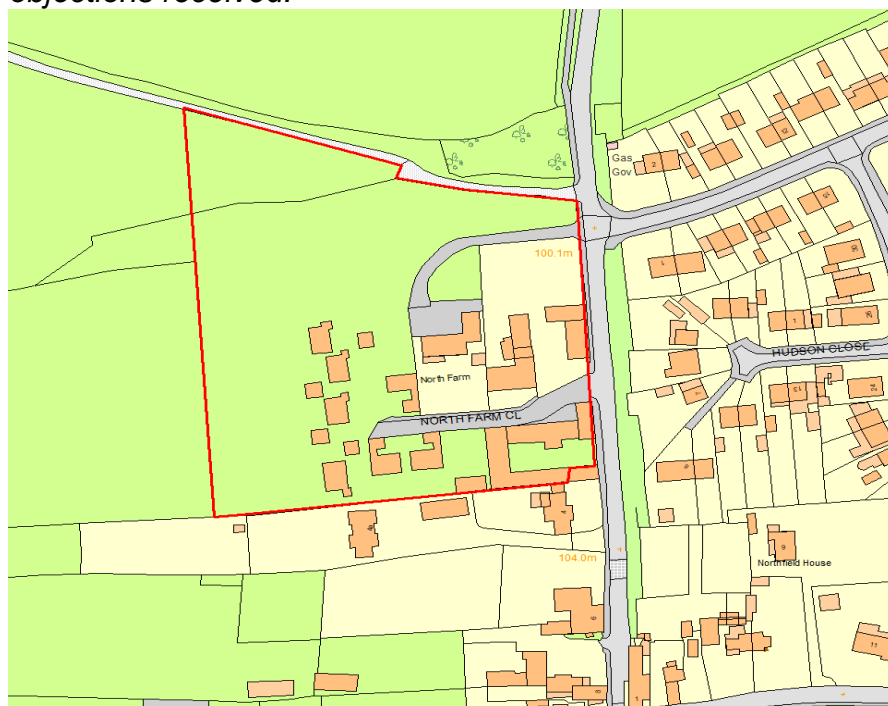


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE THURSDAY 16TH DECEMBER 2021**

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

Application Number	RB2019/1474 https://rotherham.planportal.co.uk/?id=RB2019/1474
Proposal and Location	Demolition of existing unlisted part converted barns & part built houses, conversion and extension of existing farmhouse to two dwellings and erection of 43 No. dwellinghouses, land at North Farm, North Farm Close, Harthill
Recommendation	<p>A. That the Council enter into a legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <p>B.</p> <ul style="list-style-type: none"> • 11 Affordable Housing Units on site • A commuted sum of £22,500 towards sustainable travel encouragement • A commuted sum of £94,537.50 towards secondary education provision at Wales High School • Establishment of a Management Company to manage and maintain the areas of Greenspace on site and play equipment. <p>C. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



Site Description & Location

The site currently is comprised of low-quality scrubland and many derelict buildings which surround a central inhabited dwelling. Much of the site was accessed off North Farm Close though this access has effectively been abandoned and is not currently in use. The inhabited dwelling does not form part of the application site and is accessed via a separate drive located close to the northern boundary of the site.

Existing mature trees and hedgerows are located along the northern and part southern boundaries. Trees and vegetation are generally self-seeded and overgrown. Access to the site is via Union Street which continues on into Harthill village.

The derelict buildings on site consist of a number of stone dwellings built in the early 1990s though never completed internally or occupied, a historic Georgian farmhouse in a poor state of repair, and a number of former agricultural stone barns, the majority of which were majorly rebuilt in the early 1990s.

Harthill Bridleway No. 16 runs adjacent to the northern boundary of the site.

Background

RB1987/0043 - Demolition of part of barns/farm buildings & wall (in Harthill conservation area) - GRANTED CONDITIONALLY

RB1987/0078 - Conversion of barns to form 6 dwellings erect 8 new dwellings & construction of new street - GRANTED CONDITIONALLY

RB2005/1662 - Demolition of existing part constructed dwellings and erection of 4 no detached dwellinghouses, erection of 9no three storey town houses and conversion of existing disused dwellings & outbuildings to form 11no dwellings - WITHDRAWN

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.

Screening Opinion

No screening opinion is required in this instance as the site area does not exceed 5 hectares.

Proposal

The applicant originally proposed the demolition of all structures on site and the erection of 51 dwellings. However, following lengthy discussions with Officers the scheme has been extensively amended with the historic 18th century Georgian farmhouse now being retained, barn style properties provided, and an improvement in materials. The number of dwellings proposed has also been reduced, from an initial total of 51 to a final proposal of 45 (43 newbuild and the conversion and extension of the farmhouse to 2 dwellings). The existing inhabited dwelling would remain in the centre of the site (and does not form part of the current application).

The proposals include a mixture of brick and natural stone buildings, to replicate the character of Harthill. Red clay pantiles are proposed to the natural stone dwellings and artificial slate to the brick dwellings. Furthermore, the applicant has agreed to chimney detailing within the development and areas of natural stone garden walling to reflect the Conservation Area.

The majority of the scheme will be accessed via an upgraded North Farm Court, the entrance point to which would be moved slightly on the Union Street frontage than its current position. A separate additional access off Union Street, to the north of the North Farm Court access, would serve 4 new properties and would also provide a new access to the existing property in the centre of the site, and the existing drive that serves this property would be closed off.

The footway along the Union Street frontage would be increased in width to 2m and appropriate visibility at the relevant accesses would be provided.

The scheme includes a mixture of barn style dwellings, traditional detached, semi detached and terrace properties, constructed in a mixture of natural stone and red brickwork intended to replicate those used in the Harthill Conservation Area. There would be a total of 7 two bed, 23 three bed, 13 four bed, and 2 five bed properties. A total of 11 affordable housing units are proposed on site, 6 two bedroom units and 5 three bedroom units.

An area of farmland to the north will be utilised as Public Open Space and following Officer advice the applicant has agreed to provide a playground for residents in this area. Additional smaller areas of Public Open Space are also provided to the North East of the site and to the South West. The Public Open Space will be accessed via the estate and offer access to the nearby countryside public footpaths, including Harthill Bridleway No. 16.

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

Design and Access Statement:

The statement provides details on relevant national and local planning policies, the site context, how the scheme has developed and details of the final design.

Building of Life Assessment:

An assessment of the 12 standard requirements was submitted. It concluded that 11 of the 12 requirements would receive a green rating, while one would have an amber rating.

Planning Statement:

This notes that it is considered that the scheme should be approved for the following reasons:

- Allocated site for housing (ref: H94) in the Sites and Policies document
- Sustainable urban location of the site
- High quality design including energy efficiency measures
- Provision of on-site amenity space
- Scheme supported by local people and Parish Council as identified in the Statement of Community Involvement.
- Enhancement of existing trees or landscape features
- Provision of (policy compliant) affordable housing provision

It adds that the application is for full planning permission and that it is considered that it will make a much-needed contribution to the supply of housing in the locality as well as bringing a redundant site back to life. The site can be appropriately developed to meet the strategic housing needs of the Borough including a mixture of market and affordable dwellings, appropriate landscaping, improved access and off-site traffic calming measures.

Affordable Housing Statement:

Confirms that the scheme provides 25% of units for affordable housing in the form of 6 social rented properties, which are to be transferred to a Registered Provider upon completion, as well as 5 First Homes for first time house buyers.

Landscape Statement:

It concludes that the new proposals – in particular the new band of tree and shrub planting along the northern edge of the site - will provide a satisfactory edge to Harthill village and, once matured somewhat improve the interface between the village and open countryside to the north compared with the present situation where dwellings are readily visible. It should therefore reduce any perceived adverse visual impact that might occur on completion to an acceptable level.

The proposed area of Public Open Space within the northern part of the study site will provide a valuable new public amenity for existing and new residents.

It concludes that taken together the landscape proposals will enhance both the visual appearance and wildlife potential of this site. In addition, the open spaces thus created will provide an attractive and sheltered environment for users of the site.

Tree Survey:

This notes that the majority of the trees inside the survey area are located in such proximity to the unfinished buildings that they would need to be removed in order to redevelop the site. These trees are of low quality and should not be considered a constraint to the development proposals.

Ecological Appraisal Survey:

Concludes that the site is considered to be of high ecological value. There are nine confirmed bat roosts on site, two of which are brown long-eared bats and seven common pipistrelle roosts too. There are three buildings on site which are likely to be used as roosts by barn owls.

The site is considered to be of value to reptiles and evidence of grass snakes was found on site. However, an updated Ecological Impact Assessment confirms that seven reptile presence/ absence surveys were carried out during September 2019, and only one grass snake was found.

Two moth surveys were carried out at the site and no priority species were found. Impacts of the works are expected to be low overall due to the lack of notable findings. Therefore no mitigation measures are proposed.

Following the site assessment and in review of the findings, it is recommended that the following steps take place:

A European Protected Species Licence (EPSL) for bat mitigation works will be needed for works being carried out on buildings where bat roosts have been confirmed. The demolition of all buildings must be done under ecological supervision in a soft roof strip and demolition approach.

The mature ash tree should be felled in a soft fell approach with each section of tree being gently lowered to the ground and left overnight before chipping or removal from site. This is so that any bats, or other animals, can exit the tree without being injured or killed.

A sensitive lighting scheme should be implemented during and after construction to avoid indirect disturbance to foraging and commuting bats, birds and small mammals that may be using the near-by fields, hedges and tree lines. 25% of houses to be built on site should have integrated bat lofts/ bat boxes and bird boxes to compensate for the loss of roosting and nesting habitat. Before demolition works can take place, suitable roosts for bats must be provided on site at least two weeks before buildings containing bat roost can be demolished.

An ecologist should be present on site to check through areas of vegetation for reptiles and move them to a safe and suitable location off site. This would take place immediately before vegetation and topsoil clearance on site. Soft landscaping features (such as grassland and shrub planting) will provide compensatory habitat for the small number of reptiles found.

Landscaping should incorporate a Sustainable Urban Drainage System pond (SUDS) with native aquatic planting and species rich margin and surrounding grassland. Any landscape planting should use native plant species and/or species of known wildlife value that will enhance the ecological value of the site for local populations of invertebrates, birds, bats and small mammals. Providing the recommendations of this report are implemented in full, Naturally Wild would conclude that there will not be a significant impact to protected species or habitats as a result of the proposed works.

Bat Ecological Site Recommendation:

The options available to replace lost bat roosts on site are as follows:

- Install external bat boxes on three sides of the sandstone building located in the centre of site. This is dependent upon this being permitted if the building is subject to any planning and conservation issues
- Install two rocket boxes on poles at agreed points safely from disturbance during demolition

Transport Statement (TS):

The TS has highlighted that the site is an accessible location with access to sustainable transport modes in accordance with the NPPF.

The proposal provides car and cycle parking in accordance with the local standards.

The development proposals have the potential to generate 29 and 28 two way vehicle movements during the AM and PM hour periods respectively. This equates to approximately one additional vehicle on the local highway network every 2 minutes.

As such the level of vehicular trips generated by the proposed development would not be material and would not result in severe impact on the capacity of the local highway network, nor adversely impact upon existing highway safety.

Flood Risk Assessment:

This report demonstrates that the proposed development is not at significant flood risk, and simple mitigation measures have been recommended to address any residual risks that may remain. In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.

Statement of Community Involvement (SCI):

There has been a positive and proactive dialogue with Council Officers including a pre-application meeting. The level and nature of consultation that has taken place is considered appropriate and suitable. The consultation has helped to build confidence and create a better understanding of how the development proposals will function.

The applicant has carefully considered the responses that were submitted, and the written feedback provided by Officers. Once this full planning application has been submitted, there will be another opportunity to comment as part of the Local Planning Authority's formal, public consultation process.

In conclusion, the SCI considers that the pre-application consultation methods used by the applicant are in accordance with Council's policy and the development proposals on the whole, have received positive feedback.

Built Heritage Statement:

This Heritage Impact Assessment (HIA) has been commissioned to provide an assessment of the potential heritage impact of a proposed residential development at North Farm Close, Harthill, South Yorkshire on the significance and setting of surrounding heritage assets, most notably the Harthill Conservation Area. The proposed development seeks to demolish the existing buildings within the site, including several half-built detached dwellings dating from the early 1990s and a number of semi-converted barns, convert the existing Georgian farmhouse to 2 dwellings, and erect 43 new dwellings. The house and garden in the centre of the site will be retained and does not form part of the proposed development.

The general archaeological character within the vicinity of the proposed development site includes medieval remains related to the early medieval settlement, as well as earlier Iron Age and Romano-British findspots. The proposed development site has been identified as having high archaeological potential for remains pertaining to the earlier medieval settlement.

There is therefore a strong potential for such remains, should they survive, to be impacted by groundworks associated with the proposed development, thereby reducing their evidential value and resulting in a negative impact to

significance. The potential physical impact to any surviving archaeology as a result of the proposed development elsewhere within the site is considered to be low.

Should the development be granted permission, it is recommended that an appropriate programme of targeted archaeological evaluation/mitigation be undertaken to determine the presence and level of survival of these potential remains and ensure they are suitably investigated and recorded prior to development. It is also recommended that the historic farm buildings be subject to historic building recording prior to their demolition.

In terms of potential wider impacts, the proposed development site is situated within the northern extent of the Harthill Conservation Area. The proposed development will not impact upon key views within the Conservation Area and will in fact improve views of the approach into Harthill from the north through the removal of the unattractive modern development and the introduction of complimentary materials and forms which reinforce the village's historic character. Where views are possible, it is considered that the development will result in a neutral impact on the setting of the Conservation Area.

The assessment finds that the physical fabric of the non-designated barns will suffer substantial harm as a result of the proposed development as this element of its significance will be lost. As defined in NPPF a balanced judgement should be made weighing the scale of harm to the significance of the non-designated heritage asset against the public benefits of the proposed development.

Development Plan Allocation and Policy

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

The application site is allocated for Residential and Green Belt purposes and falls partly within the Harthill Conservation Area. 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'
CS23 'Valuing the Historic Environment'
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'
SP41 'Conservation Areas'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP64 'Access to Community Facilities'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

The NPPF (as revised) 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
- SPD8 – Affordable Housing
- SPD11 – Natural Environment

Publicity

The application has been advertised by way of press and site notice as the site is within the Conservation Area and represents Major development, along with individual neighbour notification letters to adjacent properties. Amendments to the scheme have also been re-advertised. 13 letters of objection have been received and 1 in support.

The objectors state that:

- The excessive number of houses proposed for this site could potentially overwhelm local infrastructure and services. The number of new dwellings is a considerable increase as compared with earlier plans prior to 2019 and the derelict houses they will replace.
- There is huge potential for potentially dangerous disruption from construction traffic and additional hazard from contractors parked vehicles on the narrow road through the village. This will inevitably impact upon adjacent properties and be detrimental to normal village life for a considerable time.
- Affordable housing represents only a small proportion of the new dwellings.
- The scheme will remove a drive to the existing property on site.
- Local schools cannot accommodate the extra housing.
- Development upon Green Belt land.
- Roads within the development are of minimum width and there is insufficient consideration for parking and vehicle numbers. There is no provision for roadside parking. With very limited public transport, most families in two bedroom houses in Harthill have two vehicles and bigger homes inevitably have more. Many of these vehicles are SUVs and vans which are far bigger than the RMBC minimum sized parking spaces allow for. Garages are rarely used for parking and should not be considered (regardless of planning guidelines) as parking.
- The proposed development sits in the Conservation Area of the village, the existing buildings, farmhouse and barns (not the part built detached properties to the western edge of the site) should be retained and developed or the replacements should be with like for like stone materials to maintain the appearance of the Conservation Area and the street scene.
- The site was considered to be of high ecological value. There were nine confirmed bat roosts (two for long-eared bats and seven for pipistrelles). There were also 3 buildings containing evidence of barn owl activity. The site was considered to be of value to reptiles (evidence of grass snakes was found).
- Upper floor windows of the farmhouse directly overlook 6 Hudson Close

A neutral comment states that they support the removal of the buildings on site which are dangerous and attracting anti social behaviour.

One letter of support has been submitted stating that:

- It's long overdue, just hope traffic calming measures will be put in place at that end of the village.

Harthill & Woodall Parish Council have raised the following concerns:

- Safety of drivers and pedestrians entering and leaving the development:

The Parish Council discussed at length the issue of highway safety on the stretch of Union Street that runs along the front (eastern side) of the site. In the Council's opinion a condition that the traffic scheme must be in place before houses are occupied is insufficient both from a safety point of view during development, but also because experience shows that this condition is not enforced.

Lack of parking:

The Parish Council also felt it was unlikely that garages would be used for parking as none of the proposed houses have outside storage facilities. As a result, all available parking spaces will be used by residents with no provision for visitors. This will lead to visitors parking on the mews style shared roads impeding the movement of pedestrians and on Union Street, significantly increasing the risk to all road users. The Parish Council would therefore like to see further visitors parking provided.

Use of reclaimed local stone:

The proposed materials plan shows the buildings fronting Union Street to be constructed of stone, which is welcomed by the Parish Council. There are concerns however in relation to what stone is to be used. The Parish Council believes that there will be sufficient good quality, reclaimable Rotherham Red Stone on the site so that some or all of the buildings abutting Union Street could be constructed from it. Doing this would mitigate the significant historic loss, and the corresponding negative effect on the historic street scene as you enter and leave the village.

The Parish Council notes that extensive use of Artstone is proposed for the construction of boundary walls. Again, the Parish Council can see no justification for this, other than cost. The Parish Council would propose that all boundary walls, or as a bare minimum, those abutting Union Street and around the old farmhouse, are constructed from reclaimed Rotherham Red stone.

Potential foul water drainage issues:

In its previous submission the Parish Council commented that it was aware of anecdotal evidence that the main sewer from Harthill regularly overflows as it crosses the fields north of the village, spilling raw sewage into Broad Bridge Dyke. Currently there is a significant development underway at the southern end of the village. New houses are under construction on Firvale, behind the Beehive Public House, on the site of the former rectory, on two sites on Serlby Lane and on Jacky's Lane, all of which will add to the demands made of this critical infrastructure.

Provision of a play area:

The Parish Council notes that on the submitted drawings the green space to the northwest of the site is designated as Public Open Space with play equipment to specialist design. The Parish Council would like it to be clearly specified who will provide the funds to purchase this equipment and carry out the long-term upkeep of the area.

Construction Phase:

As a result of the significant problems experienced with the site under construction at the southern end of the village, the Parish Council would ask that provisions are made on site for the parking of contractor's vehicles. Parking on Union Street or on the Northlands estate would significantly increase the risk to other road users.

Additionally, the Parish Council would hope that RMBC could impose a strict road cleaning protocol to ensure large amounts of mud are not allowed to accumulate on the road resulting in an increased risk of road accidents and a general nuisance to other road users.

One Right to Speak request has been received from the applicant.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to conditions and section 106 agreement for encouraging sustainable travel.

RMBC – Public Health: No objections.

RMBC – Affordable Housing Officer: No objections.

RMBC – Drainage: No objections to amended scheme subject to relevant condition

RMBC – Ecology: Notes the presence of bats and recommends relevant conditions.

RMBC – Conservation Officer: No objections

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to relevant construction management condition

RMBC – Education: An Education contribution for Secondary would be requested as part of our S106 policy.

RMBC – Green Spaces: No objections subject to condition regarding equipment for LAP area

South Yorkshire Archaeology Service: No objections subject to pre commencement condition.

Sheffield Area Geology Trust: No objections.

NHS: There is adequate GP capacity in the area

Severn Trent: No objections subject to relevant informative

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
- Development within the Green Belt
- Design, Scale and Appearance
- Heritage Impact, including Archaeology
- Impact on Highways
- Landscapes
- Trees
- Ecology / Biodiversity
- Green Spaces
- Drainage and Flood Risk
- General Amenity
- Air Quality
- Affordable Housing
- Education
- Minerals
- Land contamination and Soil Resources
- Other considerations

Principle

The majority of the site is allocated in the adopted Rotherham Sites and Policies Document for Residential, though part is allocated Green belt and this element will be assessed separately. Policy SP1 'Sites Allocated for Development' identifies the site as Housing Site H94, which indicates the total site area has an indicative capacity of approximately 40 dwellings.

The Site Development Guidelines as set out in the Local Plan are:

1. Development proposals will need to be supported with a Heritage Statement for Archaeology prepared in line with the requirements for site classification 2 highlighted blue in Table 17 'Heritage Statement for Archaeology Requirements'.
2. A Heritage Statement shall be submitted with any subsequent planning application to identify the significance and to assess the impact of development upon Harthill Conservation Area and its setting.
3. Development should reflect the existing historic character of the adjacent farmstead and wider landscape in order to strengthen local distinctiveness and respect the local vernacular in terms of scale, layout, design, height and materials. North Farm farmhouse and historic stone barns should be retained as part of the development and restored and enhanced for positive re-use.
4. A watercourse is present on the northern boundary. Flood risk from this watercourse and overland flows should be assessed as part of a Flood Risk Assessment.
5. A Landscape Assessment will be needed to assess and manage the impact of potential new development on the wider open countryside and on natural landscape features such as trees and hedgerows.
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.

These will be discussed in more detail in the relevant sections below.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Harthill is identified as a 'Local service centres', which along with other villages is proposed to provide 170 new dwellings as part of the Local Plan. This application will help the Council to achieve these targets as well as assisting in achieving the targets set by Central Government in the Housing

Delivery Test, which prescribes a set amount of new homes within a rolling three year period that should be built within specific Local Authorities.

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

The majority of the site is allocated Residential and as such the principle of residential development is acceptable.

As set out above the Local Plan for the whole allocation sets out an indicative capacity of 40 dwellings and the submitted planning application relates to 45 dwellings (including conversion of farmhouse) as well as retaining the dwelling to the centre of the site.

Whilst the proposed number of dwellings is in excess of the indicative figure stated in the Local Plan there are mitigating circumstances in that the figure set was conservative for the size of the site, due to the need to further assess with detailed drawings the site constraints such as its setting within the Conservation Area.

The scheme put forward is at 31 dwellings per hectare and as discussed in detail further in the report it has been designed to reflect the character of Harthill Conservation Area. Therefore, it is considered that it would not be overdevelopment despite the final number being over the initial indicative number of the Local Plan. Moreover, the increased numbers will aid in the Council's Housing Delivery Targets set by Central Government.

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.”

When measured from the centre of the site, and as the “crow flies” the development would be within an 800m radius of shops, community facilities and amenities within Harthill where there are a mixture of convenience stores, other retail units, places of worship, schools and links to public transport all within easy walking distance of the site.

In terms of housing mix, 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.”

In respect of the above and the mix of housing proposed on this site, it is considered that the scheme complies with the requirements of the above policy. There is a mixture of 2, 3, 4 and 5 bedrooms in a mixture of styles and including conversions of historic buildings and affordable housing.

Finally, 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 noted that the developer has considered all relevant aspects and put things in place to mitigate where needed.

Development in the Green Belt:

In respect of the development of that part of the site within the Green Belt, Core Strategy Policy CS4 ‘Green Belts’ and Sites and Policies Policy SP2 ‘Development in the Green Belt’ both aim to protect Green Belt areas from inappropriate development. The National Planning Policy Framework (NPPF) contains exceptions to inappropriate development which may be considered acceptable in Green Belt areas and states at paragraph 150 that: “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: (amongst others) e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

It is noted that the on site Green Space provision is intended to be positioned to the north of the site on an area of land within the Green Belt, which currently forms part of a large agricultural field and within the ownership of the applicant. The area of land 'rounds off' the adjacent field and does not project into it. The change of use of the land to public open space accords with the NPPF, which allows for a material change in the use of land provided a scheme preserves openness and does not conflict with the purposes of including land within it. In this instance the only physical structures on site would be some limited play equipment and open recreation is one of the key purposes of the Green Belt.

As such the Council considers the use of Green Belt land for public open space in association with the proposed residential development is 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.

Paragraph 126 of the NPPF states that: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this."

Paragraph 130 of the NPPF states that: "Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;”

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 Site Development Guidelines in the Local Plan state:

3. Development should reflect the existing historic character of the adjacent farmstead and wider landscape in order to strengthen local distinctiveness and respect the local vernacular in terms of scale, layout, design, height and materials. North Farm farmhouse and historic stone barns should be retained as part of the development and restored and enhanced for positive re-use.

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.

With regard to the site layout, the applicant has worked with the Council to provide a scheme that reflects the character of the setting within the Harthill Conservation Area, minimises the visual impact when viewed from the Green Belt, and provides adequate amenity for both future residents and neighbours including the existing dwelling set to the centre of the site.

The layout proposes one main access to Union Street to serve the majority of the estate with a secondary access serving the existing dwelling and four new dwellings. An existing pedestrian access is provided to the north of the site linking to the new public open space and allowing residents easy access to the open countryside.

With regard to the design of the dwellings, the scheme includes the conversion of the historic Georgian farmhouse, new custom designed barn style properties to the front of the site, and more generic house types to the rear. The more generic plot types to the rear are a mixture of the applicant standard house types which have been modified with improved front boundary treatment and chimney detailing.

All the dwellings have adequate amenity space and appropriate outlooks, with internal space exceeding the national internal room standards and those set out in the South Yorkshire Residential Design Guide. The mix of dwellings types is also considered acceptable with affordable units providing a good mixed community.

The scheme also includes landscape details with boundary detailing, tree planting and front garden lawns. The provision of front stone boundary walling to front gardens as well as hedgerows in others areas helps to replicate the conservation setting and add definition between the public and private realm. No 'Artstone' is now proposed on site, with natural stone used throughout, and existing stone reclaimed from demolition will be re-used where possible.

The layout allows for easy pedestrian access to Harthill as well as through the new public open space to the countryside beyond.

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

Heritage Impact and Archaeology

The site is on the edge of Harthill Village on the main highway approach to the village, which is prominent and easily visible. The existing abandoned semi built development which has been left for some 30 years is severely harmful to the Conservation Area. The condition of the some of the historic farmhouse has deteriorated severely in recent years and requires urgent repairs.

Policy SP 46 'Conserving and Recording the Historic Environment' states that *"All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan."*

The NPPF states at paragraph 194 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 NPPF states at paragraph 195 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 NPPF further states at paragraph 199: *“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 Site Development Guidelines as set out in the Local Plan are:

1. Development proposals will need to be supported with a Heritage Statement for Archaeology prepared in line with the requirements for site classification 2 highlighted blue in Table 17 'Heritage Statement for Archaeology Requirements'.
2. A Heritage Statement shall be submitted with any subsequent planning application to identify the significance and to assess the impact of development upon Harthill Conservation Area and its setting.
3. Development should reflect the existing historic character of the adjacent farmstead and wider landscape in order to strengthen local distinctiveness and respect the local vernacular in terms of scale, layout, design, height and materials. North Farm farmhouse and historic stone barns should be retained as part of the development and restored and enhanced for positive re-use.

A Heritage Statement for Archaeology as required by point 1 and a general Heritage Statement in respect of the impact on the Harthill Conservation Area as required by point 2 have both been submitted, and recommended conditions would address many of the issues raised.

Turning to point 3 of the development guidelines the scheme has been amended to retain the historic 18th century farmhouse to two dwellings. This will involve its restoration and save this historic dwelling which forms an important part of the character and historic evolution of the Harthill Conservation Area.

In terms of the former agricultural barns many of these are rebuilds, constructed in the early 1990s and as such are not actually historic. There are a couple of historic barns including one to the rear of the farmhouse which are in a poor condition and as such their demolition is acceptable. The applicant has agreed to replicate a barn style development to the front of the site around the old farmhouse to create a more historic layout and avoid a standard suburban format.

To the rear of the site the development will be more conventional with a mixture of detached, semi-detached and terrace properties. The applicant has agreed to a mixture of brick and stone buildings, to replicate the character of Harthill. Red clay pantiles are proposed to the natural stone dwellings and artificial slate to the brick dwellings. Furthermore the applicant has agreed to chimney detailing within the development and areas of natural stone garden walling to reflect the Conservation Area.

Therefore, having regard to the above it is considered that the proposed development would satisfy the relevant policies and guidance in respect of impact on the character and appearance of the Harthill Conservation Area.

Highways

Policy CS14 'Accessible Places and Managing Demand for Travel' states that 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 111 and 112 of the NPPF paragraph 111 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."*

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.

In terms of the proposed development, the scheme has evolved so as to ensure that each property has adequate off street parking spaces, as well as adequate highway widths with appropriate visibility. In addition, 13 visitor parking bays have been provided for visitors/ deliveries etc.

Trip Generation & Traffic Impact

Based upon an understanding of the highway network, the weekday morning and evening peak hours are understood to be between 08:00 to 09:00 and 17:00 to 18:00.

	AM PEAK		PM PEAK	
	Arrivals	Departures	Arrivals	Departures
Residential Trip Rates	0.129	0.420	0.347	0.188
Trip Generation	7	22	18	10

This equates to approximately one additional vehicle on the local highway network every 2 minutes. On this basis, the trip generation of the proposed scheme is considered to be negligible and would have no noticeable impact on the local highway network.

Pedestrian & Cycle Accessibility

As part of the scheme the developer is to provide a widened footway to the site frontage with Union Street. A wide range of educational, retail and leisure facilities are available within a 2km radius of the site. Within a 5km radius of the site are a number of villages and the National Cycle Network Route 6, providing opportunities for recreational cycling or commuting.

Public Transport

A total of six bus stops are situated within 400m walking distance of the site. Two of the bus stops are situated adjacent to the site on Hard Lane. All bus stops are accessed via the existing footway provision on the surrounding road network and are equipped with poles and timetable information.

The site is also with 2km of Kiveton Bridge Railway Station, which is a suitable distance to encourage commuting to regional destinations.

Road Safety

Personal injury collision data for the local highway network in the vicinity of the site for the period 2014-2018 has been obtained from crashmap providing the latest 5 years accident data available. The data demonstrates that zero collisions occurred with the vicinity of the proposed development, this zone includes a 400m distance in both directions, along Union Street/Hard Lane.

Sustainability

The applicant has confirmed that they will enter into a S106 legal agreement with the council to instigate measures to promote sustainable travel at a cost of £500 per dwelling (total £22,500).

Taking the above into account, and subject to the applicant entering into a S106 agreement for the sustainability contribution, the scheme is considered to be in compliance with the relevant paragraphs of the NPPF, Local Plan policies CS14 'Accessible Places and Managing Demand for Travel', SP26 'Sustainable Transport for Development' and SP56 'Car Parking Layout' and the relevant guidance including the Council's adopted Parking Standards, Manual for Streets and South Yorkshire Residential Design Guide.

Landscapes

CS19 'Green Infrastructure' states: *"Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas... Proposals will be supported which make an overall contribution to the Green Infrastructure."*

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..."*

The Site Development Guidelines state:

5. A Landscape Assessment will be needed to assess and manage the impact of potential new development on the wider open countryside and on natural landscape features such as trees and hedgerows.

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.

The applicant's landscape assessment states that: *"the new band of tree and shrub planting along the northern edge of the site - will provide a satisfactory edge to Harthill village and, once matured somewhat, improve the interface between the village and open countryside to the north compared with the present situation where dwellings are readily visible. It should therefore*

reduce any perceived adverse visual impact that might occur on completion to an acceptable level.”

The Council’s Landscape Officer originally raised concerns at the overall density of the scheme and in particular the limited buffer to the Green Belt boundary and the resulting visual impact of the scheme when viewed from the Green Belt. The plans have been amended to reduce overall numbers and provide greater separation between the properties on the western boundary, closest to the Green Belt. This has also allowed for additional landscaping at the frontages of these properties as parking can be provided at the side of the properties. Additional planting is also proposed along the western boundary to reduce the visual impact when viewed from that direction.

Trees

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

This is a largely open derelict site with only a small number of self set trees close to the abandoned buildings. The trees on site do not warrant protection or inclusion within the landscape scheme. It is noted that there is a number of mature trees to the north of the site as well as boundary hedgerows to the south. These fall within different ownership and as such remain unaffected by the scheme.

The scheme includes over 50 new trees on the site, which will be subject to conditional approval. This will ensure adequate additional tree planting is provided in the interest of both visual amenity and ecology, providing Biodiversity Net Gain.

Ecology

Paragraph 174 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

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

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

Policy SP35 ‘Protected and Priority Species’ states: *“Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation*

and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced.”

The Preliminary Ecological Evaluation Report submitted in support of this application indicates that the site is considered to be of high ecological value. There are several confirmed bat roosts on site, two of which are brown long-eared bats and seven common pipistrelle roosts. There are three buildings on site which are likely to be used as roosts by barn owls.

Two moth surveys were carried out at the site and no priority species were found. Impacts of the works are expected to be low overall due to the lack of notable findings. Therefore no mitigation measures are proposed.

Following concerns from the Council’s Ecologist an additional Ecological Impact Assessment was submitted in April 2021 which concluded that the abandonment of the site for many decades with semi constructed structures, has created some good ecological habitats and their loss needs to be mitigated. Whilst the site is considered to be of value to reptiles, subsequent surveys carried out only identified one grass snake. Mitigation would be in the form of an ecologist being present on site to check through areas of vegetation for reptiles and move them to a safe and suitable location off site. This would take place immediately before vegetation and topsoil clearance on site. Soft landscaping features (such as grassland and shrub planting) will provide compensatory habitat for the small number of reptiles found.

Due to the confirmed presence of roosts in 10 of the buildings, it will be necessary to obtain an EPS mitigation licence from Natural England to legally permit the demolition of the buildings, which will result in permanent loss of roosting habitat. Once a licence has been granted, works would need to be carried out in a precautionary way, following the ‘soft-strip’ protocol, removing roof tiles and other suitable features for bats under the supervision of a suitably qualified and licensed ecologist, with a thorough inspection carried out beforehand and any bats found prior to or during the demolition being carefully caught by the attending ecologist and moved to a suitable location elsewhere on site.

In order to ensure that the bats are rehoused appropriately a condition has been attached requiring details of how the bats will be re-housed. Furthermore a condition has been attached requiring exact details of the enhancement measures to be provided.

As noted above, the scheme includes over 50 new trees on the site, which along with the other mitigation measures set out above will provide Biodiversity Net Gain.

Green Spaces

Core Strategy Policy CS22 ‘Green Space’ states that: *“The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to*

developers on the contributions expected. Rotherham's green spaces will be protected, managed, enhanced and created..."

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

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

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

In respect of policy SP37 the proposal of 46 dwellings would require 2,530sq. metres of public open space on site. The proposal would meet this provision at 2,550sqm. In addition the site is within 840m of well equipped Harthill Recreation Ground and have accessible links into the countryside with a pleasant walk to the large Kiveton Community Woodland. The Kiveton Community Woodland includes fishing ponds and modern 3G floodlit football pitch.

The new public open space will include a small equipped play area for the benefit of future and existing residents. The exact details of the equipment will be agreed via condition.

Furthermore, all units would be within 280m of a green space and the design in respect of the public open space is well overlooked and acceptable.

As part of the s106 a Management Company will be set up to manage and maintain the on-site greenspaces and new play equipment.

Drainage and Flood Risk

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 the NPPF.

The Site Development Guidelines as set out in the Local Plan include:

4. A watercourse is present on the northern boundary. Flood risk from this watercourse and overland flows should be assessed as part of a Flood Risk Assessment.

The use of Sustainable Drainage Systems on infiltration techniques are considered impractical for the site due to underlying geology and results of the percolation testing. Therefore, surface water drainage system to a watercourse via a new drainage attenuation tank within the Public Open Space is proposed.

The nearest watercourse is located just to the north of the site. The Council's Drainage Engineer initially raised concerns regarding the lack of information supplied with the application in respect of drainage though further details have been submitted and are now supported. The submitted drainage proposals demonstrate that the site can be properly drained and does not increase downstream flood risk. A new drainage attenuation tank is proposed within the Public Open Space, to reduce the flow of surface water into the stream during heavy rain periods. As such the Council's Drainage Engineer has withdrawn their initial objection and indicated that subject to conditions the scheme would be acceptable in respect of drainage and flood risk and therefore would comply with the policies and guidance set out above.

General Amenity

Paragraph 130 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.

SP55 'Design Principles' states that all forms of development are required to create decent living and working environments.

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 demolition/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 demolition/construction phase on existing local residents:

In relation to demolition/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 demolition/construction and deliveries. It is noted that the existing abandoned housing site has encouraged anti social behaviour and vandalism on site which has caused annoyance and distress to those living close by. The removal of these half built and abandoned structures will be highly beneficial in terms of crime and disorder.

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

With regard to the impact of the dwellings once constructed on the occupants of existing properties, the scheme retains the existing property which occupies a central position on site. The scheme has been specifically amended during the application process to ensure the scheme satisfies the requirements outlined within the South Yorkshire Residential Design Guide in that there are no immediate gables close to the habitable rooms or private rear garden of the existing property. It is noted that plot 7 abuts the garden area of the retained property to the centre of the site, however plot 7 is the historic farmhouse, and as such the scheme does not impose any additional built form that wasn't in situ when the dwelling known as No.2 Union Street was constructed in the early 1990s.

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

In terms the dwellings along the southern boundary, the scheme involves the demolition of some building along the boundary and as such will create a greater sense of openness. The scheme would involve a number of dwellings facing towards the neighbours in this location, although being set 10m off the boundary would not create undue overlooking.

An objector has noted that upper floor windows of the farmhouse directly overlook 6 Hudson Close, though these exist presently and would be some 40m from the rear elevation of the property on Hudson Close.

Having regard to the above it is considered that the proposed development would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development. Accordingly, the scheme would comply with paragraph 130 of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

Air Quality

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

NPPF states at paragraph 112 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.

The proposed development for 46 dwellings as set out in the adopted Rotherham SPD 'Air Quality and Emissions', 1 EV charging point per dwelling with in-curtilage parking will be required and secured via condition.

In light of the above there are no issues in respect of air quality impact from the development and a condition should be imposed requiring details of Electric Vehicle charging points within the development to be submitted and approved before the first dwelling is occupied. As such, subject to conditions, the scheme would comply with policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 112 of the NPPF.

Affordable Housing

In regard to affordable housing provision, Policy CS7 'Housing Mix and Affordability' states: *"...The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:*

- a) Sites of 15 dwellings or more shall provide 25% affordable homes on site..."*

The policy position is therefore 25% of the total number of units on the site should be made available for affordable housing, which in this instance would be 11. In this instance the scheme provides 25% of units for affordable housing in the form of 6 social rented properties, which are to be transferred to a Registered Provider upon completion, as well as 5 First Homes for first time house buyers.

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

Education

The Education Service notes an Education contribution would be requested for Secondary Education provision at Wales High School.

The commuted sum which would be secured via a s106 legal agreement based on the Council's formulae would equate to £94,537.50.

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 site in question falls within the Harthill Conservation Area and contains a historic building as well existing residential properties. As such the proposal would fall under exemption 'c' of Policy CS26 Part 1.

Land Contamination and Soil Resources

Historically the land has been an active farm, with a half complete housing scheme having been constructed on site in the early 1990s. However, it was considered there was some potential for the site to be impacted from contamination associated with past farming practices (the use of organic substances such as pesticides, herbicides, and fungicides), the presence of naturally occurring metals within the soils and any potential nearby infilling of the land over time.

Intrusive site investigations were undertaken in March 2019 to determine if any significant soil and groundwater contamination associated with the historical uses of the site could impact on the proposed redevelopment of the site.

The site investigation works comprised the drilling and installation of 7 boreholes and the excavation of 10 trial pits. On first inspections there was no visible evidence of contamination. Made ground however was

encountered within all boreholes and trial pits from 0.15m down to 2.70m below ground level. Natural ground comprising mudstone/sandstone was typically encountered around 2.0m below ground level. The majority of made ground appeared largely to comprise of clayey soil with fragments of brick, concrete, coal, timber and glass.

Nine soil/made ground samples were collected from across the site and submitted to an accredited laboratory for chemical testing. Most contaminants identified were below governmental guideline values for a residential end use. However, elevated concentrations of lead and PAHs (Poly-cyclic Aromatic Hydrocarbons) were recorded.

Asbestos fibres were also recorded within trial pit TP01 and it is recommended that further testing in this area is undertaken to determine the extent of asbestos affected soils.

In conclusion it is considered that remediation works will be required to ensure the site is fit for purpose and will not pose any risks to human health. It is considered likely that a soil capping layer in all gardens and areas of soft landscaping will be required. This would be addressed by way of suitable planning conditions.

Further to the above, given the greenfield status of this site a Soil Strategy will be required in accordance with policy SP36 'Soil Strategy'. SP36 states: *"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. Applicants should demonstrate, in their proposals, that there are feasible and appropriate methods, locations and receptors for the temporary storage and reuse of high-quality soils. 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."*

The site is allocated for Residential development and the application proposes development on a large part of the site. The site is relatively flat and the development platform has largely been formed in the early 1990s following the stalled development of the site. As such it is not envisaged that significant soil movements will take place. Additional conditions have been attached to ensure that any new imported soil is appropriate and not contaminated.

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.

In respect of impact of the development on health facilities, the NHS Clinical Commission Group (CCG) have been consulted on the application and have advised that the locality has adequate GP capacity. It is noted there are GP facilities in both Harthill and nearby at Kiveton Park.

Conclusion

It is concluded that, notwithstanding the objections received, the application represents an acceptable form of development on land which has been allocated for Residential purposes in the Local Plan. Furthermore, the proposal has been sympathetically designed taking into account the constraints of the site and the requirements of the Site Development Guidelines listed in the Local Plan. Therefore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological or environmental issues, while providing affordable housing.

The application would be in compliance with the requirements of national and local planning policies and guidance and is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision of affordable housing on site, the setting up of a management company to manage and maintain on-site open space provision, as well as financial contributions towards the promotion of sustainable travel measures and education provision.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 6, 14, 24 and 26 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 6, 14, 24 and 26 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

Location Plan (ref 0868 EA A P001)

Proposed Site Layout (ref 0868 EA A P002 Rev N)

Proposed Boundary Treatment Plan (ref 0868 EA A P003 Rev L)

Proposed Materials Plan (ref 0868 EA A P004 Rev J) - refer to Condition 3 below.

Proposed Site Sections (ref 0868 EA A P005 Rev J)

Street Scene Elevations (ref 0868 EA A P006 Rev L)

Landscape Masterplan (ref R/2444/1G)

Reason

To define the permission and for the avoidance of doubt.

Materials

03

Before work commences above ground level on the construction of the dwellings hereby approved, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority or samples of the materials shall be left on site, and 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.

04

The approved boundary treatments detailed on drawing number ref 0868 EA A P003 Rev L shall be completed for each dwelling prior to occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of the visual amenity of the area and security of the site and land adjacent, in accordance with the Local Plan.

05

Notwithstanding details provided under Condition 4, sample panels of the different elements of walling shall be provided on site and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of the visual amenity of the area and security of the site and land adjacent, in accordance with the Local Plan.

Amenity

06

Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- Details of the proposed access to the site for all vehicles associated with the development on the application site;
- Traffic management measures during the construction work;
- The location of the site compound and staff parking;
- Measures to deal with dust;
- Measures to deal with mud in the highway;
- All loaded lorries leaving the site shall be securely and effectively sheeted.
- Details of proposed hours of construction on/deliveries to the site.
- Details of any generators on site.
- Details of site manager in relation to potential complaints.
- The location of any stockpiles of soils and / or other materials required throughout the construction phase.

The development shall be carried out in accordance with the approved Construction Management Plan.

Reason

In the interests of highway safety and residential amenity.

Air Quality

07

Prior to the occupation of any dwelling, details of an Electric Vehicle Charging connection point for each dwelling shall be submitted to and approved by the Local Planning Authority. Each dwelling shall not be occupied until the approved charger has been provided, and they shall thereafter be retained.

Reason

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

Drainage

08

Above ground development or drainage works shall not begin until a foul and surface water drainage scheme for the site, based on the recommendations made within the Flood Risk Assessment and Drainage Strategy (prepared by Dudleys, February 2021), including the principles below, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. During construction, if the approved scheme has not been implemented, temporary arrangements shall be put in place to limit surface water runoff to the agreed discharge rate. The scheme to be submitted shall demonstrate:

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

Reason

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

09

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

Reason

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

Landscapes

10

Prior to any above ground development taking place, a detailed landscape scheme for Plot landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be based on the approved Landscape Masterplan (ref R/2444/1G) prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- 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.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for ongoing maintenance and a schedule of operations.

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.

Reason

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

11

Prior to first occupation, a detailed hard and soft landscape scheme for the Public Open Space/ Play Areas within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall be prepared to a minimum scale of 1:200. The scheme shall clearly identify the following as appropriate:

Hard Landscape elements:

- Existing and proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, inspection chambers, etc)

- Highway visibility requirements
- Retained existing site features and proposals for restoration, where relevant.

Soft landscape details shall include:

- Planting plans
- Written specifications (including ground preparation, cultivation and other operations associated with plant and grass establishment)
Schedules of plants, noting species, planting sizes and proposed numbers / densities or planting distances
- An implementation programme.
- Written details of the responsibility for ongoing maintenance and a schedule of operations.

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

Reason

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

12

A Landscape management plan, including long term design objectives, **management responsibilities and maintenance schedules for all landscape and public open space areas shall be submitted to and approved by the Local Planning Authority prior to the** completion or first occupation of the part or phase of development to which it relates, whichever is the sooner. The management shall thereafter be carried out in accordance with the agreed management scheme for the lifetime of the development.

Reason

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

13

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

Reason

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

Ecology

14

Prior to the commencement of development, including any demolition works, details of suitable bat and bird roost replacement provision on site, along with timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timescales.

Reason

In order to provide suitable replacement bat/bird roosting provision on site to accommodate those roosts lost through subsequent demolition works, in the interest of wildlife across the site.

15

Prior to above ground development taking place a Biodiversity Net Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Net Gain Plan shall include full details of the areas of land within the site to be retained and enhanced, and any associated features to be incorporated within the development for the purposes of achieving a measurable biodiversity net gain.

The approved Biodiversity Net Gain Plan shall be implemented, retained and maintained in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Reason

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

Green Spaces

16

Prior to the construction of the Local Area Play (LAP) area indicated on the approved plans, details of the equipment to be provided shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed in accordance with a timeframe to be agreed with the Local Planning Authority and shall thereafter be retained and maintained.

Reason

To ensure the scheme provides an appropriate level of play provision.

Highways

17

The development shall not be brought into use until the footway on the site frontage to Union Street, as indicated on the submitted plan, has been widened to 2.0 metres, and the footway shall be constructed in accordance

with details which shall be submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety and sustainability.

18

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

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

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

Reason

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

19

When the proposed accesses have been brought into use, the existing vehicle accesses shall be permanently closed and the footway / kerbline reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interest of highway safety.

20

Details of road sections, construction and drainage shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

To ensure a well laid out and drained highway.

21

A Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged, including a timescale for implementation, and the development shall be carried out in accordance with the approved details.

Reason

To encourage more sustainable forms of transport.

22

The development shall not be brought into use until the visibility splay, as indicated on the approved plan, has been provided in accordance with details which shall be submitted to and approved by the Local Planning Authority. (The visibility splay shall form part of the adopted highway).

Reason

In the interests of highway safety.

23

Before the development is brought into use the sight line indicated on the approved site plan shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

In the interests of highway safety.

Waste Management Plan

24

Prior to the commencement of development 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, including from demolition of existing buildings;
- 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

25

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.

Archaeology

26

Part A (pre-commencement)

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

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

Part B (pre-occupation/use)

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

Reason

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

Land Contamination

27

Prior to above ground works commencing, further targeted Phase II Intrusive Site Investigation works shall be undertaken to confirm the extent of asbestos fibres found within trial pit TP01. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted in line with the new guidance document 'Land Contamination Risk Management' (October 2020) and predecessor guidance 'Model Procedures for the Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017)

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.

28

Where remediation measures are shown to be necessary in the Phase II report development shall not commence until a Remediation Method Statement has been submitted to and approved by the Local Planning Authority. 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.

29

If during development works unexpected significant contamination is encountered, 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.

30

If subsoil/topsoil is required to be imported to site for remedial works/earthworks/garden areas 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 which 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.

31

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

Trees

32

All tree works shall be carried out in accordance with B.S.3998: 2010. No tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority. The authorised works shall be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area.

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

As the demolition of buildings on site will result in the loss of bat roosting habitat, an EPS mitigation license is required from Natural England which can only be applied for upon the grant of planning permission. 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.

An area of species rich semi-improved grassland should be incorporated into the landscape designs. This will compensate for the loss of grassland habitat for invertebrate and reptiles on site.

03

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

04

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

05

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. Should you require any further information please contact Severn Trent Water.

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 not submitted on the basis of these discussions, but was amended to accord with the Development Plan and with the principles of the National Planning Policy Framework.

Application Number	RB2021/1336 https://rotherham.planportal.co.uk/?id=RB2021/1336
Proposal and Location	Erection of 10no. dwellinghouses with associated parking at land east of Crane Drive / Welling Way, Kimberworth
Recommendation	<p>A That the Council enter into a legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • One x 3 bedroom bungalow to be delivered on site as an affordable housing unit. (Either plot 5 or plot 10) • A commuted sum of £43,503.80 towards affordable housing provision within the Borough <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 located approximately 3km to the west of Rotherham Town Centre, on land to the east of Welling Way and Crane Drive and is part of the wider active Kimberworth Water Treatment Works site.

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

The site slopes east to west by approximately 4 metres.

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

An easement providing access for Yorkshire Water runs along the north of the site, from Welling Way to the access gates of the reservoir site.

Two water mains run along the north of the site, approximately in the position of the grass track between Welling Way and the reservoir site. An overhead electricity power line runs diagonally across the site. An underground electricity cable ran from the boundary with Crane Drive to the substation located in Yorkshire Water's site, close to the boundary with the application site. This has recently been rerouted along Fallowsfield Way and Welling Way and then crosses the site alongside the water mains.

The site comprises of 0.58ha of undeveloped grassland, which does not perform any operational role in relation to the adjacent reservoirs. Given the constraints of the power lines, water main and easement for Yorkshire Water access, the developable area of the site is 0.4 hectares

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

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

Background

There have been planning applications submitted related to this site:

RB2017/0581 – Outline application for the erection of 9 dwellinghouses including details of access – Granted Conditionally

RB2019/1995 – Erection of 13 No. bungalows with associated parking – Withdrawn

RB2021/0743 – Erection of 14 No. dwellinghouses with associated parking – Withdrawn

CIL

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

Proposal

The application is for the construction of 10 dwellinghouses with access from Wilding Way.

The proposal consists of a mix of 8no. two-storey dwellinghouses and 2no. bungalows. All properties will have two parking spaces and all but one would have the benefit of a garage. The bungalows have a total internal space of 84.2 sq.m and the detached house types of which there are two have 97 sq.m and 130 sq. m of internal space.

The proposal also involves highway works to the junction of Welling Way and Fallowsfield Way, to provide improved access to the new development. Access to the site will be from Welling Way through the existing entrance to the site which has been closed for a while. After entering the site on Welling Way, the proposed access road bends to the south and runs approximately midway through the site to allow two rows of houses to face each other. A turning head suitable for fire and refuse vehicles is located at the end of the road. There is a foul and surface water pumping station at the bottom of the access road. From the end of the access road is a private drive which serves plots 9 & 10, under which the surface water attenuation tanks are located. These houses are set back, to avoid being sited under the overhead power lines.

The proposed dwellings are to be constructed from red brick and plain concrete tiles.

Where possible trees and shrubs on the perimeter will be retained and enhanced with new planting. New trees and shrubs will be planted around the

site. Low railings will enclose private spaces in front of the houses with 1.8 metre timber fences enclosing rear private gardens.

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

Design and Access Statement

The statement provides details of the application site, its planning history, its context and details of the proposal.

Flood Risk Assessment

The report includes an assessment of the surface water drainage requirements of the Site and details the flood risk and how this could be managed and mitigated to allow the Site to be developed in support of the outline planning application.

It is proposed that surface water is discharged to the combined sewer beneath Welling Way via a pumped connection. Surface water will be attenuated onsite through an appropriately sized SuDS feature (cellular storage).

It is proposed that foul flow is discharged to the combined sewer beneath Welling Way via a pumped connection.

The FRA demonstrates that the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere.

Preliminary Ecological Appraisal

The report assesses the potential ecological constraints associated with a proposed development site.

The report has found that the site supports a limited range of common, man-made habitats of low ecological value. It has a low baseline and as such there is potential for the development to achieve a no net loss, or small net gain situation in relation to biodiversity and no further surveys have been recommended.

Preliminary Geo-Environmental Assessment Report

The report provides an overview of the risk of land or groundwater contamination to end-users and the immediate environment. Information from published sources relating to the setting of the Site, the surrounding area and its previous historical uses is collated and reviewed to provide an interpretive report together with a qualitative risk assessment, including a preliminary conceptual site model that describes the potentially significant sources of contamination, receptors and pathways.

The report concludes that the site is considered to present a low contamination risk to construction workers and to future occupants associated with current and historic [on and off] site land uses.

Based on the previous investigation the risk of contamination has been dismissed with the use of design mitigation measures outlined above. No significant contamination risks to the development of the site have been identified and it is considered that this development can be undertaken under a suitably worded planning condition and with conventional ground investigation techniques. Any unexpected contamination is anticipated to be localised and would be addressed during the development works through a discovery strategy.

The report recommends that a Ground Investigation should be undertaken to provide design information for development works and especially in the vicinity of the existing known faultline. Along with required gas and groundwater monitoring. This could be conditioned under a suitable planning permission.

Based on the anticipated loads of the proposed development and anticipated ground conditions, reinforced raft foundations would be anticipated at this stage in the vicinity of the faultline with convention foundation applying to the remainder of the site.

Tree Survey and Constraints Plan

The submitted plan identifies 14 individual trees either on or close to the main site boundary or within Welling Way. All trees are to be retained and a Tree Protection Plan shows the location of the protective fencing that will remain throughout the construction phase.

Building for Life Assessment

An assessment has been submitted in line with the Building for Life guidance.

Financial Viability Appraisal

A FVA was submitted by the applicant which concluded that from their evidence the site was not viable to provide any affordable housing requirement.

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. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS22 'Green Space'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS30 'Low Carbon and Renewable energy generation'
CS33 'Presumption in Favour of Sustainable Development'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP36 'Soil Resources'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP64 'Access to Community Facilities'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

The NPPF as revised 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

RMBC Adopted Supplementary Planning Documents:

- Air Quality & Emissions
- Transport Assessments, Travel Plans and Parking Standards
- Affordable Housing
- Natural Environment

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 6 letters of representation have been received from individual addresses. The issues raised are summarised below:

- Increase in traffic.
- Disrupt the geo Faultline running in front of my property and through the proposed building site.
- Concerns the development will disturb any contamination on the land.
- We were informed by our solicitors when purchasing our property that the adjacent land could not be built on due to the close proximity to reservoirs and its position over old coal workings.
- Disturbance due to construction traffic and noise.
- Welling Way is of limited width which will cause traffic problems and not allow two way traffic movements.
- The proposed works to Welling Way will result in the loss of trees.
- The proposal will result in difficulties in residents on Welling Way to park, or access our properties.
- My house deeds clearly does not allow any development on the site.

Two Right to Speak requests have been received at the time of writing the report from local residents.

Consultations

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

RMBC – Housing: No objections subject to signing of s106 to provide affordable housing provision on site and a commuted sum for off-site affordable housing.

RMBC – Landscape: No objections subject to conditions.

RMBC – Drainage: No objections subject to conditions.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Environment Health: No objections subject to conditions.

RMBC – Education: No contribution can be sought as the scheme is under 20 dwellings.

RMBC – Tree Service: No objections subject to conditions.

RMBC – Ecology: No objections subject to conditions.

Yorkshire Water: No objections subject to conditions.

The Coal Authority: No objections.

National Grid: No comments have been received.

SY Police: No objections, but recommend the scheme is built to Secured by Design standards.

Super Fast South Yorkshire Broadband: No objections subject to condition.

South Yorkshire Archaeology: No objections.

Geology (Sheffield Area Geology Trust): No objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of the development
- Design and Layout
- General Amenity Issues
- Highways
- Air Quality
- Drainage and Flood Issues
- Landscape
- Trees
- Ecology
- Land Contamination
- Affordable Housing
- Other Considerations

Principle

The site is allocated in the adopted Rotherham Sites and Policies Document for residential, as such the principle of residential development is acceptable on this site subject to the development satisfying other relevant material planning considerations.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means “*approving*

development proposals that accord with an up-to-date development plan without delay...” This is further supported by policy CS33 ‘Presumption in Favour of Sustainable Development’.

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

Access to Community Facilities

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

The site would be located within reasonable walking distance of shops, schools, public houses and other amenities required for future residents day-to-day activities. Accordingly, the site is in a highly sustainable location close to amenities and services and would therefore comply with policy SP64 of the Local Plan.

Design and Layout

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.

Paragraph 126 of the NPPF states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 134 states *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

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 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.

With regard to the site layout, it has been sympathetically designed with the access road coming into the site and sweeping south allowing for dwellings to be sited either side of the road with appropriate spacing distances to properties on Welling Way and Crane Drive. Furthermore, the site has been provided with an appropriate turning facility for a fire appliance and each property has off-street parking and amenity spaces in line with the relevant guidance. As such the proposed development of 10 properties would not be overdevelopment of the site, especially given a section of the site is undevelopable due to overhead powerlines, and water mains that cannot be built under or over respectively.

In addition, the site has been developed with the introduction of bungalows, with one close to the entrance from Welling Way to ensure it does not overbear or be at odds with the last property on Welling Way which is a bungalow.

With regard to the design of the properties they are acceptable and raise no design issues. Their design, size, scale, form and proposed materials will ensure the development would not be at odds with the character of the immediate surrounding area and would not introduce an incongruous feature.

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

General Amenity

Paragraph 130(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

In respect of amenity there are two elements

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

Impact of the construction phase on existing local residents:

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds, soil heaps, materials 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

The South Yorkshire Residential Design Guide sets out appropriate spacing distances between properties. The SYRDG states that there should be a minimum of 21m between principle elevations or elevations with habitable room windows; and that an elevation with a habitable room window should be a minimum of 10m from a boundary with another property.

In this instance there are existing residential properties to the west of the site on Crane Drive and Welling Way. These properties face north and south, while the proposed properties would face east and west. Therefore there is potential for properties on the western side of the development to overlook rear gardens of properties on Welling Way and Crane Drive.

However, the scheme has been designed so that the properties on the western side of the development have their rear elevations at least 10m from their rear boundary, which forms the side boundary of properties on Welling Way and Crane Drive. Therefore, the proposed dwellings have been sited a sufficient distance away that accords with the SYRDG and as such would not result in any overlooking or privacy issues that would justify a refusal on amenity grounds.

Furthermore, given the distance of the proposed properties from the rear gardens of properties on Welling Way and Crane Drive, they will not appear overbearing or oppressive and would not impact on views out of the property. It is also considered that due to the orientation of the site and relationship with existing neighbouring properties, the proposal would not result in any loss of direct sunlight or natural daylight to habitable rooms or rear gardens.

Further to the above it is noted that the spacing distances between proposed properties within the site would all satisfy the spacing distances outlined in the South Yorkshire Residential Design Guide and all properties are provided with private rear gardens in line with the South Yorkshire Residential Design Guide.

In addition, the three house types meet the minimum internal space standards set out in the national guidance. The three-bed bungalow is 84 sq.m, and the minimum size in the guidance is 74 sq.m; the minimum for a four-bed property over two floors is 97 sq.m which the proposed two-storey dwellings would meet or exceed.

Accordingly, by virtue of the distance between properties, proposed boundary treatments, land levels and orientation of the site there would be no overlooking or privacy issues between new properties and there would be no detrimental overshadowing of habitable room windows or proposed private rear amenity spaces.

Having regard to the above it is considered that the proposed development would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development. Accordingly, the scheme would comply with paragraph 130(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

Highways

Paragraph 111 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 110 and 112 of the NPPF.

The Council's Transportation Infrastructure Service has noted that the proposed site access is via Welling Way, which is substandard, and as per the previous applications submitted relating to this site, works are required to improve Welling Way.

The applicant has confirmed that the carriageway will be widened as part of this application, the existing turning head will be removed and there will be alterations to the radii at the junction of Welling Way and Fellowsfield Way. A plan showing these changes in draft form has been submitted as part of this application and the Council's Transportation Infrastructure Service have raised no concerns subject to a condition requiring the submission of detailed information prior to works commencing.

The concerns of residents in respect of traffic impact have been noted, but the amount of traffic generated from this development will have a negligible impact on the local highway network. In respect of increased parking on Wilding Way, it is considered that as each property has sufficient off-street

parking and there will be opportunities to park informally on the new access road, it should not result in more vehicles being parked on the existing Wilding Way.

Taking the above into account, there are no reasons to refuse planning permission from a highways perspective. Accordingly, given the scheme is considered to not create a severe impact on local highway network, it would be in compliance with the relevant paragraphs of the NPPF and Local Plan policies CS14 'Accessible Places and Managing Demand for Travel' and SP26 'Sustainable Transport for Development', the Site Development Guidelines and the relevant guidance including the Council's adopted Parking Standards, Manual for Streets and South Yorkshire Residential Design Guide.

Air Quality

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

NPPF states at paragraph 112 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.

The proposed development for 10 dwellings is classified as a Minor proposal as set out in the adopted Rotherham SPD 'Air Quality and Emissions'.

Box 3 of the SPD includes the following mitigation options:

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

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

No information has been submitted in respect of EV charging points within the development site, however a suitable worded condition to secure the submission of such details before the first dwelling is occupied would be sufficient and satisfy the requirements of the policies and SPD. As such there are no issues in respect of air quality impact from the development and subject to conditions, the scheme would comply with policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 112 of the NPPF.

Drainage and Flood Risk

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 167 and 169 of the NPPF.

The Council's Drainage Section have no objections in principle to the scheme from a drainage and flood risk perspective, which includes the siting of a small pumping station on site for the development. In addition, the contents of the Flood Risk Assessment and the supplementary drainage drawings are sufficient to overcome the majority of concerns. However, the exceedance flood route plan is not considered acceptable at this time, although the Council's Drainage Section have confirmed that this can be conditioned so that it is submitted prior to construction works on the roads and dwellings commencing. Also, construction details and maintenance plans are not included in the submitted information. However, the Council's Drainage Section are satisfied that this requirement can form a condition which requires the submission of an amended foul and surface drainage scheme for the site prior to construction works on the roads and dwellings commencing.

Therefore, overall the Council's Drainage Section are satisfied that the proposed development will not cause any issues in respect of flood risk to this or neighbouring sites and the site can be appropriately drained into the existing systems, and only minor amendments to the information provided to date are needed which can be secured via conditions. Accordingly, subject to conditions the proposal will comply with the national and local planning policies referred to above.

It is noted that there are some concerns from local residents regarding the close proximity of the site to the covered reservoirs to the east and north-east of the site which are still in operation and managed and maintained by Yorkshire Water. Yorkshire Water have been consulted on the application and have raised no issues with the development.

Landscape

CS19 'Green Infrastructure' states: *"Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas... Proposals will be supported which make an overall contribution to the Green Infrastructure."*

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..."*

From a landscape perspective the site is allocated residential and does not sit within or have boundaries with the Green Belt or a Green Infrastructure Corridor.

The majority of vegetation found on the site is along the western and southern boundaries, and although these trees are not within the site, they do have Root Protection Areas within the site.

The proposal includes an area of open space adjacent to plot 6 at the north of the site.

The Council's Landscape Design service have indicated that the plans are comprehensive, and have provided clarification of responsibility for maintenance for the lifetime of the development in respect of replacement of removed or damaged planting, larger tree species to rear gardens and details of any retained vegetation.

However, they have set out that further planting to the southern boundary of the site could be incorporated which would also aid in biodiversity enhancement. Therefore, they have advised that the standard landscape condition which requires additional information to be submitted before works above ground commences and the standard condition relating to trees which die within 5 years of planting are replaced, should be appended to any approval.

Therefore in light of the above subject to conditions, the application is considered to be compliant with policies CS21 'Landscape' and SP32 'Green Infrastructure and Landscape' and on that basis there are no landscape issues with the proposal.

Trees

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

The proposal does not involve any high or medium value tree conflict, and no trees are to be removed either along the existing carriageway of Welling Way, or within the site, in addition those trees close to the site within neighbouring gardens are also to remain unaffected. As such the Tree Service does not object to the application.

The tree protection fencing is sufficient to protect the trees from damaging construction activities, this includes fencing around existing trees on site, the trees on Welling Way where the carriageway is to be widened and the revised plans show the green verge at the beginning of Welling Way and surrounding the off-site street trees have been noted on the protection plan as a construction exclusion zone, which will mitigate soil compaction and preserve the soil structure.

Further to the above the tree planting plan is also acceptable and shows a good number of trees and appropriate species being planted with the site, in gardens, along the new footpaths and under the electricity lines. This includes 31 new trees of varying species; grassed areas around properties; ornamental shrubs to front gardens and adjacent the private drive to the west of the site; beech hedgerows between some properties; native planting areas to the northern boundary of the site and around the pumping station and wildflower meadow under the electricity lines.

In light of the above the Tree Service have no objections to the application and as such the scheme would be in compliance with relevant national and local planning policies and guidance.

Ecology

Paragraph 174 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

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

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

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

The submitted Preliminary Ecological Appraisal has been assessed by the Council's Ecologist who has confirmed that they concur with the requirements of the PEA that no further surveys are required and that the land holds limited potential for protected species (occasional foraging bats, occasional nesting birds and hedgehogs would be the only protected and principal species you would expect on the application area).

The PEA sets out several Ecological Opportunities at paragraphs 72 – 75 and this covers retaining street trees, provision of faunal boxes for bats and birds, delivering biodiversity net gain through additional planting and landscaping to create suitable habitats etc. and permeable fencing to allow wildlife such as hedgehogs to move through. The PEA also provides several recommendations (R1-R4) on p.16, which includes the requirement for no additional surveys; minimise biodiversity loss and maximise biodiversity on site.

It is considered that subject to a condition requiring the development to be constructed in accordance with the Ecological Opportunities set out in paragraphs 72-75 and The Recommendations (R1-R4) on page 16 of the submitted PEA. The application would provide sufficient biodiversity enhancement and would comply with the requirements set out in the national and local planning policies detailed above.

Affordable Housing

In regard to affordable housing provision, Policy CS7 'Housing Mix and Affordability' states: *"...The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:*

- i. Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site*
- ii. Sites of less than 15 dwellings or developments with a gross site area of less than 0.5 hectares; 25% affordable homes on site or a commuted sum of £10,000 per dwelling to contribute towards provision off site. Any agreed commuted sums would be subject to the provision of a payment scheme agreed between the Council and the applicant.*

Whilst the site is for less than 15 units the total site area is greater than 0.5 hectares and as such policy CS7 is triggered. Furthermore, it should be noted that the recently adopted SPD 'Affordable Housing' requires development of 10 units or more to provide an affordable housing contribution. In addition, the NPPF notes that the requirement for affordable housing is developments of 1,000 sqm or more, the current development (excluding garages) is 1,076 sqm.

The developer submitted a Financial Viability Appraisal which according the author of the report and their evidence concluded that the site was not viable and as such should not provide any affordable housing provision.

The viability appraisal has been independently assessed and this assessment concluded that the site is viable with a policy on position in respect of affordable housing provision as set out in policy CS7. As such this equates to the site being viable to provide 2.5 dwellings for affordable housing (rounded up to 3 dwellings) on site.

On receipt of the appraisal the Council's Affordable Housing Officer provided the developer with two options of how they could provide the affordable housing on site.

The option the developer agreed to, and which now forms the structure of the s106 which shall be signed should the application be approved by members ensures that:

- One x 3 bedroom bungalow is provided on site as an affordable housing unit. Either plot 5 or plot 10. This will be delivered on a "2 for one basis" and should be sold to a Registered Provider of affordable housing or the Council for social rent tenure. The developer should expect to obtain around 50% to 55% of the open market value for the unit; and
- A commuted sum equivalent to 20% of Plot 10 – the other three bedroom bungalow. The open market value for this units is estimated to be £217,519. Normally the Council will request a commuted sum equivalent to 40% of the open market value – but as we accept bungalows on a 2 for one basis we can reduce this by 50% on a quid pro quo basis. So the Council will accept 20% of the value as a commuted sum – which is £43,503.80.

In light of the above the s106 will include the requirement to provide one of the two bungalows for affordable housing provision on site, which will be sold to a Registered Provider; and a commuted sum of £43,503.80 towards affordable housing provision within the Borough.

Therefore, in light of the above the proposed affordable housing offer is acceptable to the Council's Affordable Housing Officer but will be subject to member approval.

Land Contamination

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

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

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

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

It is also possible that if shallow mine workings are encountered there is potential for mines gas to be present that will also require investigation. The Coal Authority have commented on the scheme separately and have raised no objections.

From a land contamination perspective, an intrusive site investigation was undertaken between the 13th and 14th January 2020 to determine the presence of any geotechnical constraints across the site and to assess whether any significant soil and groundwater contamination associated with the past historical uses of the site and adjacent sites (Reservoirs and St Thomas Church) could impact on the proposed residential development of the site.

The site investigation works comprised the drilling of 6 rotary boreholes, 5 window sample boreholes complete with the installation of 5 groundwater/gas monitoring standpipes and the excavation of 8 no trial pits and 8 trial probes. 8no. samples of made ground were collected from across the site to assess for site wide contamination. The soil samples were submitted to an accredited laboratory for chemical testing.

From a review of the site investigation information, ground conditions typically comprised of shallow made ground, with the exception of localised deposits (up to 1.0m below ground level) in the northern area of the site, most likely associated with the construction of the covered reservoirs. No visible or olfactory contamination was reportedly observed at the time of the site investigation works. Furthermore, no groundwater was encountered in any of the exploratory or monitoring boreholes. Two coal seams were encountered beneath the site, although both coal seams were recorded as being intact.

The soil laboratory testing showed no exceedances of any of the individual determinants tested for above generic assessment criteria for a residential land use with plant uptake. On the basis of chemical testing undertaken, the concentration of contaminants within the soils do not pose a risk to human health or controlled waters.

Gas monitoring was undertaken on 3 occasions to assess the ground gassing regime across the site. The results confirmed that negligible methane gas was detected; however, carbon dioxide gas was recorded but at a concentration considered to be low risk. Ground gas protection measures are therefore considered unnecessary for this site.

The proposed development scheme is to be constructed near an existing fault line, running across the site from east to west. Reinforced raft foundations have been suggested to be a suitable foundation design. However, it is considered that further site investigation be undertaken to determine ground conditions to allow for an appropriate foundation design within the vicinity of

the fault line area. The proposed construction/foundation works should have little to no impact upon the fault line itself, the risks are more akin to stability/settlement risks to any proposed new building structures, rather than existing buildings.

The chemical testing for waste acceptance criteria (should soils need to be removed from site to landfill) confirmed high loss on ignition values. There may, therefore, be areas on site with soils containing high calorific value content (most likely associated with the presence of coal) which are capable of generating a heat source (e.g., around utility supplies) which require further investigation. Combustion protection measures may need to be installed as part of the foundation design.

In conclusion it is considered there is very low risk to the future users of the site from potential site contamination and the site is considered suitable for its proposed end use. However, the presence of the fault line should be investigated further. Calorific soil testing around areas capable of generating a heat source should also be investigated further.

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

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

It is noted that an objection received raised concerns regarding a Geo Fault line that is within the site, the Preliminary Geo-Environmental Report recommends that Ground Investigation should be undertaken to provide design information for development works and especially in the vicinity of the existing known faultline, which could be conditioned under a suitable planning permission. The report also notes that based on the anticipated loads of the proposed development and anticipated ground conditions, reinforced raft foundations would be anticipated at this stage in the vicinity of the faultline with convention foundation applying to the remainder of the site.

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.

South Yorkshire Archaeology Service commented on a previous application at this location noting substantial underground reservoirs to the east and housing to the west probably resulting in encroaching disturbance to the small site. In addition, nothing on historic maps or other sources raises archaeological concerns. The current application is very similar and the same conditions pertain therefore SYAS continue to advise that no archaeological investigation is required should consent be granted.

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.

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."

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.

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

Conclusion

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on Residential allocated land which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological or environmental issues. The application would comply with the relevant national and local planning policies and guidance and is therefore recommended for approval subject to conditions and the signing of a s106 legal agreement in respect of affordable housing.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before

development can start. Conditions numbered **04, 06 and 17** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **04, 06 and 17** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

11752-SELF-P-XX-M2-A-100 – Location and Existing Site Plan
11752-SELF-P-XX-M2-A-100 rev A – Site Layout
11752-SELF-P-XX-DR-A-102 rev A – Site Sections
11752-SELF-P-ZZ-DR-A-103 rev A – House Type A – Plot 5
11752-SELF-P-ZZ-DR-A-104 – House Type A Mod – Plot 10
11752-SELF-P-ZZ-DR-A-105 – House Type B
11752-SELF-P-ZZ-DR-A-106 – House Type C
11752-SELF-P-ZZ-DR-A-107 – House Type C Mod
11752-SELF-P-ZZ-DR-A-108 – Single Garage
CDK 01 rev D – Landscape Masterplan

Reason

To define the permission and for the avoidance of doubt.

Materials

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details

provided in the submitted application form/shown on drawing nos:

1752-SELF-P-ZZ-DR-A-103 rev A
11752-SELF-P-ZZ-DR-A-104
11752-SELF-P-ZZ-DR-A-105
11752-SELF-P-ZZ-DR-A-106
11752-SELF-P-ZZ-DR-A-107
11752-SELF-P-ZZ-DR-A-108

The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

Amenity

04

Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- Details of the proposed access to the site for all vehicles associated with the development on the application site;
- Traffic management measures during the construction work;
- The location of the site compound and staff parking;
- Measures to deal with dust;
- Measures to deal with mud in the highway;
- All loaded lorries leaving the site shall be securely and effectively sheeted.
- Details of proposed hours of construction on/deliveries to the site; and such further matters as the Local Planning Authority may consider necessary.
- Details of any generators on site.
- Details of site manager in relation to potential complaints.
- Details of the quality of soil and its movement and temporary storage during construction.

Reason

In the interests of highway safety and residential amenity.

Air Quality and Emissions

05

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 air quality and to provide appropriate facilities for electric vehicles.

Highways

06

Before the commencement of the development, details of the proposed improvements to Welling Way as indicated in draft form on Drg No 11752-SELF-P-XX-M2-A-100 rev A (Carriageway widening, removal of existing turning head and alteration to the radii at the junction of Welling Way and Fellowsfield Way) shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the commencement on site.

Reason

In the interests of highway safety and sustainability.

07

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.

08

Construction of roads or dwellings shall not begin until road sections, constructional and drainage details have been submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

09

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

Reason

In the interests of promoting sustainable transport.

Landscapes / Trees

10

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. This shall be positioned in accordance with details as shown on the submitted Tree Protection Plan ref: CDK 03 rev B - Tree Protection Plan. 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.

11

Landscaping of the site as shown on the approved plans (drawing no. Landscape Masterplan Rev D 1221 CDK01), shall be carried out during the first available planting season after commencement of the development and maintained for the lifetime of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

Drainage

12

No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public water mains i.e. a protected strip width of 6 (six) metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the

water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

In the interest of public health and maintaining the public water supply.

13

No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason

In the interest of public health and maintaining the public water supply.

14

The site shall be developed with separate systems of drainage for foul and surface water on site, with combined off-site. The separate foul and surface water pump rates shall each be restricted to a maximum of 4.75 (four point seven five) litres per second.

Reason

In the interest of satisfactory and sustainable drainage.

15

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 4.75 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 40% allowance for climate change, based upon the submission of drainage calculations; and

- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

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

16

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

Reason

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

Land Contamination

17

Prior to development commencing further Phase II Intrusive Site Investigation should be undertaken to assess the potential geotechnical constraint (fault line) and for the potential presence of high calorific containing soils. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above should be conducted in line with the new guidance document 'Land Contamination Risk Management' (October 2020) and predecessor guidance 'Model Procedures for the Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017).

Reason

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

18

Subject to the findings of condition 17 above and prior to development commencing, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The approved Remediation works shall be carried out in full on site

under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

19

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

Reason

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

20

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

Reason

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

21

Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up

criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

Reason

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

Waste Management Plan

22

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:

- 9) information on the amount and type of waste that will be generated from the site;
- 10) 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);
- 11) 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);
- 12) 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;
- 13) measures to minimise the use of raw materials and minimise pollution of any waste;
- 14) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 15) 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
- 16) 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

23

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.

Ecology

24

The development shall be carried out in accordance with the Ecological Opportunities set out in paragraphs 72-75 and The Recommendations (R1-R4) on p.16 of the Preliminary Ecological Appraisal Report prepared by Brooks Ecological, dated 12 March 2021 and the Biodiversity Statement (ref: 11752-SELF-RP-A-0105). Thereafter such measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of biodiversity enhancement and in order to make adequate provision for species.

Informatives

01

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

02

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

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

03

The South Yorkshire Police Architectural Liaison Officer recommends that the development is designed and built to Secured by Design standards. www.securedbydesign.com

04

With regard to condition 23 the attached document would need to be sent out with the decision notice and filled in and submitted with any discharge of condition application. The information would be sent to SFSY, again at hello@superfastsouthyorkshire.co.uk who will assess the information provided.

05

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

06

The proposed development lies within an area which is likely to contain features of geodiversity interest. In accordance with Policy CS20 'Biodiversity and Geodiversity' of the Adopted Core Strategy, RMBC strongly advises that any excavations into natural ground, superficial deposits and bedrock carried out in the course of development works should be examined by a competent geoscientist so that any features of geodiversity interest that may be present can be recorded. Sheffield Area Geology Trust can advise on geodiversity features that are expected to be present and their documentation and conservation email: sageologytrust@gmail.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.