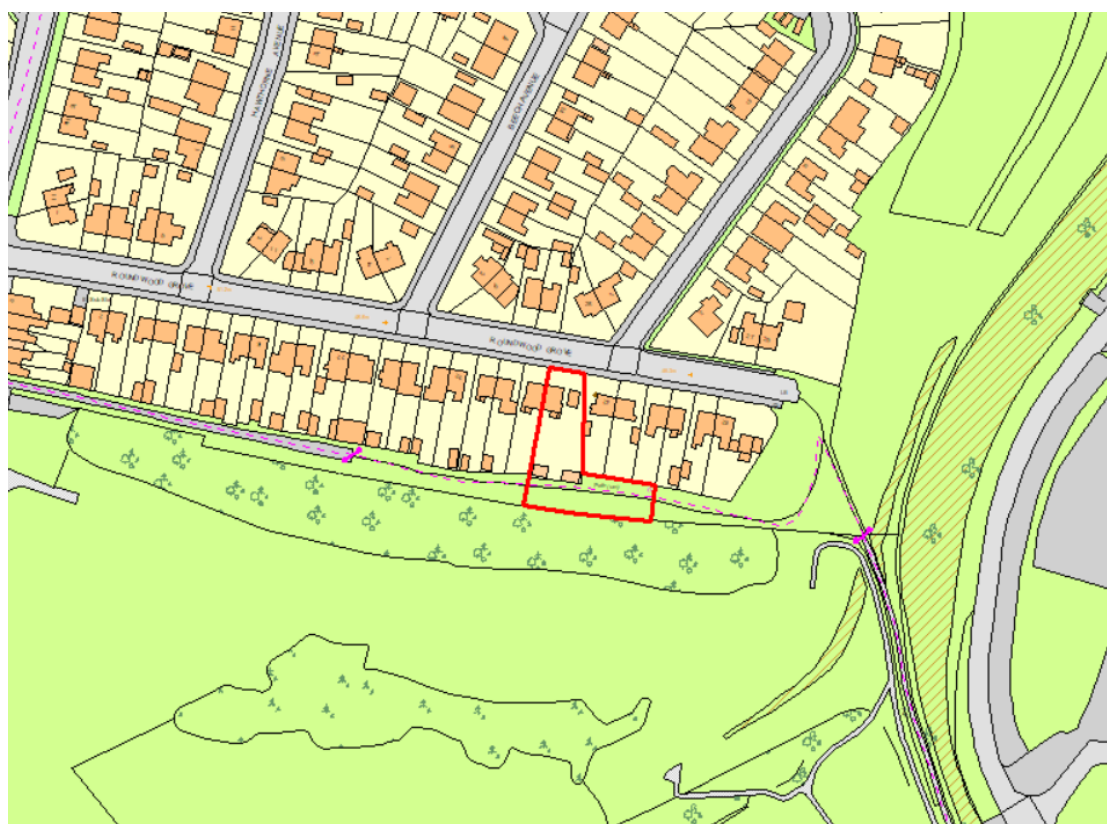


## REPORT TO THE PLANNING BOARD TO BE HELD ON THE 7 April 2022

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

<b>Application Number</b>	<b>RB2021/2041</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/2041">https://rotherham.planportal.co.uk/?id=RB2021/2041</a>
<b>Proposal and Location</b>	Use of land to extend garden areas including boundary wall/fence and gate at land to rear 40-46 Roundwood Grove Rawmarsh
<b>Recommendation</b>	<b>Granted conditionally</b>

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



### Site Description & Location

The application relates to the area of land to the rear of No's 40, 42, 44 & 46 Roundwood Grove located within a predominantly residential area at Rawmarsh. Directly beyond the rear boundary is Roundwood Golf Course.

The area of land provides access to the rear of the properties on Roundwood Grove and be accessed from the northern point adjacent to No. 1 Claypit Lane and the southern point adjacent No. 52 Roundwood Grove.

The land contained a track/path which is not recorded on the definitive map for this area.

## **Background**

There has been no previous applications relating to the land.

## **Proposal**

The applicant seeks retrospective permission to include the land between the boundary with the golf course and enclose it within the garden areas of No's 40, 42, 44 & 46 Roundwood Grove.

The land is currently closed off to the west with a timber fence & gate and a timber fence to the east.

The submitted Design & Access Statement states: *the land is unsecured not overlooked and not lit, this presenting an area for anti-social behaviour, criminal damage / arson, drug use, together with access to the rear of the residential properties to commit theft and burglary there from.*

The application has been revised on two occasions and the final plan for consideration provides a 3.1m wide access beyond the enclosed garden areas. A 1.83m high timber fence including gravel boards is proposed facing the golf course and along the western boundary to replace the close boarded fence. The existing wall at No. 40 Roundwood Grove is proposed to be extended along the west boundary and the existing sliding gate reduced in width to replace the solid timber fence/gate.

Due to the layout of the rear boundaries of the properties the gardens will be extended between approx. 6.5m to 9.9m in length.

## **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/greenspace purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):  
CS 22 Green Space

SP 11 Development in residential Areas  
SP 38 Protecting Green Space

## **Other Material Considerations**

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a

Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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

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

## **Publicity**

The application has been advertised by way of individual neighbour notification letters to adjacent properties. 27 representations have been received, 19 objecting to the application, 6 in support and 2 making observations.

The objections are summarised below –

- The lane formerly cart road on deeds is used by general public
- Provides access for residents and vehicles
- Should remain open at both ends for emergency vehicles
- No permission from land owners
- Land used for parking not garden
- Set a precedent and impact on highway access
- Lower part of lane overgrown but still passable
- Running a business

The representations in support are summarised below:

- The bottom end of the lane is overgrown and not used by vehicles
- Emergency vehicles can gain access from the street
- Deter anti-social behaviour
- Prevent dumping of rubbish and illegal access to golf course

Liberty Steel, owners of the golf course have confirmed that the land is not within their ownership and a further comment has been received, neither objecting nor supporting the application.

All representations have been notified of the revised plan and a site notice has been displayed on Roundwood Grove and Claypit Lane.

16 objections have been received to the final revised plan indicating that the original objections still stand and stating that the access is not wide enough to pass without fear of damaging vehicles, tree roots and existing fence footings or for HGV's and the land will be used for the storage of vehicles, scaffolding and boards

5 right to speak requests have been received.

## **Consultations**

RMBC - Transportation and Highway Design – no objection

RMBC – Drainage – no objection

RMBC - Green spaces – no objection

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- The Principle of the Development
- Impact on the Character and appearance of the area
- Impact on Residential Amenity
- Other Matters Raised by Local Residents

### Principle of the Development

The land is allocated for residential/greenspace purposes within the Local Plan.

Local Plan policy SP11 'Development in residential Areas' states "*Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.*"

Due to the uneven nature of the boundary with the golf course, part of the application site is allocated as Greenspace. Policy CS 22 Green Space seeks to protect and improve the quality accessibility of green spaces available to the local community.

In addition Policy SP 38 Protecting Green Space, also states that:

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

- a. an assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect...*

The Greenspace allocation does not follow the boundary of the golf course and the inclusion of this land within allocated Greenspace appears to form a small area of open space within limited recreational benefit other containing a track allowing access between Roundwood Grove and Green Lane adjacent to the boundary of the Golf Course. The existing site is associated with residential properties and has limited value especially in its current state as an overgrown area which is associated with anti-social behaviour.

As stated by local residents, it appears that the site has historically had access across it for a footpath and/or in parts vehicular access. In this regard the amended plan now indicates that the area adjacent to the boundary with the Golf Course will be retained as an open access/footpath (at a width of 3.1 metres) and this retains and improves an element of the Greenspace function in this area. This will represent an improvement to the current situation as a recent site visit showed that there is currently no usable footpath in this area and it is over grown. As a result of the amendments to the layout to include the access/footpath, the area of Greenspace to be enclosed comprises of a narrow slither of land adjacent to an existing residential land allocation. It is clear that the land has been used for parking vehicles and other residential type uses. Whilst it is not proposed to replace the Greenspace elsewhere and the proposal does not meet with relevant Local Plan Policies on Greenspace the Greenspace Manager has confirmed that there are no objections to the loss of this small area on the basis that there is no loss of trees and the access path is retained for local community use.

In light of the above it is considered that the use of land for garden use is acceptable in principle.

#### Impact on the Character and appearance of the area

From the submitted information it appears that the land has become overgrown, untidy and supporting information from the applicant states that it has become a target for anti-behaviour. Enclosing the land within the rear gardens area of No's 40, 42, 44 & 46 helps to improve appearance of the area whilst also providing an accessible footpath and access for vehicles for the local community.

It is accepted that it could set a precedent for further properties on the street to extend their gardens area and any further applications will be considered on their own merits.

With regard to access for vehicles, the application has been revised to retain a 3.1m access for properties on Roundwood Grove which have garages at the rear whilst also retaining access from the bottom of Roundwood Grove to the top at Claypit Lane. Emergency vehicles and HGV delivery vehicles can

assess all properties from Roundwood Grove, like most residential properties that have one access for vehicles.

There are a number of trees positioned on the golf course beyond the existing boundary fencing. It is acknowledged that soil compaction can be an issue for trees, however, the agent has confirmed that no excavations will be carried out and the land will be cleared of brambles etc with a layer of recycled material to create lane which could be used by vehicles and pedestrians.

There are a number of trees along the boundary with the golf course and there are works in close proximity to the boundary to create the path/access. On this basis the Greenspaces manager has advised that there will be a large area of the tree roots within the existing golf course which will not be affected by the proposed access road and that trees generally adapt when up to a third of their roots are not within any soil compaction area. The applicant has confirmed that there would be no excavation of the area and it is recommended that a condition is imposed to require details of the amount and type of materials to be used in the surfacing of the access path. Furthermore, given that this is not an adopted highway it is not envisaged that the land would be subject to heavy amounts of traffic and/or large vehicles.

The proposed wall with gate & fence to enclose the extended garden areas to a maximum height of approx. 2m is considered acceptable for a residential area without appearing out of character in the locality.

#### Impact on residential amenity

With regard to running a business from the land, the applicant has confirmed that land will be used as an extension to the existing rear gardens for the benefit of the occupiers.

This application does not propose any change of use of the land for business purposes and any such use would require planning permission.

#### Other issues

According to the submitted information the Osberton Trust own the mineral rights only to land and they do not own the freehold of the surface of the land. Liberty Steel, owners of the golf course have confirmed that they do not own any of land and it is not within the ownership of the Council.

Whilst it is noted that an application has been submitted to the Council's Public Rights of Way team providing user evidence for a claimed Public Right of way, this is covered by separate legislation, and is not taken into account as part of the determination of the planning application. However, it is noted by the Public Rights of Way officer that it is proposed to retain a footpath/access as part of this application.

## **Conclusion**

In conclusion, taking the above into account and having regard to the representations it is considered that the extending garden areas and proposed means of enclosure are acceptable in this location without appearing out of keeping in the locality. Therefore, it is recommended for approval.

## **Conditions**

01

Within 1 month from the date of the permission the proposed 3.1m access shown on the approved plan, drawing number 21.07.01 Rev D shall be provided and thereafter retained.

Reason

In the interests of the amenity of the area.

02

Within 3 months of the date of the permission the proposed wall/gate and fencing shown on the approved plan, drawing number 21.07.01 Rev D shall be provided and thereafter retained.

Reason

In the interests of the amenity of the area

03

Prior to commencing of any clearing and surfacing of the proposed path/access details of the type and amount of surfacing including the depth of surfacing material and method of surfacing and type of material shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details within a timeframe to be agreed in writing by the Local Planning Authority.

Reason

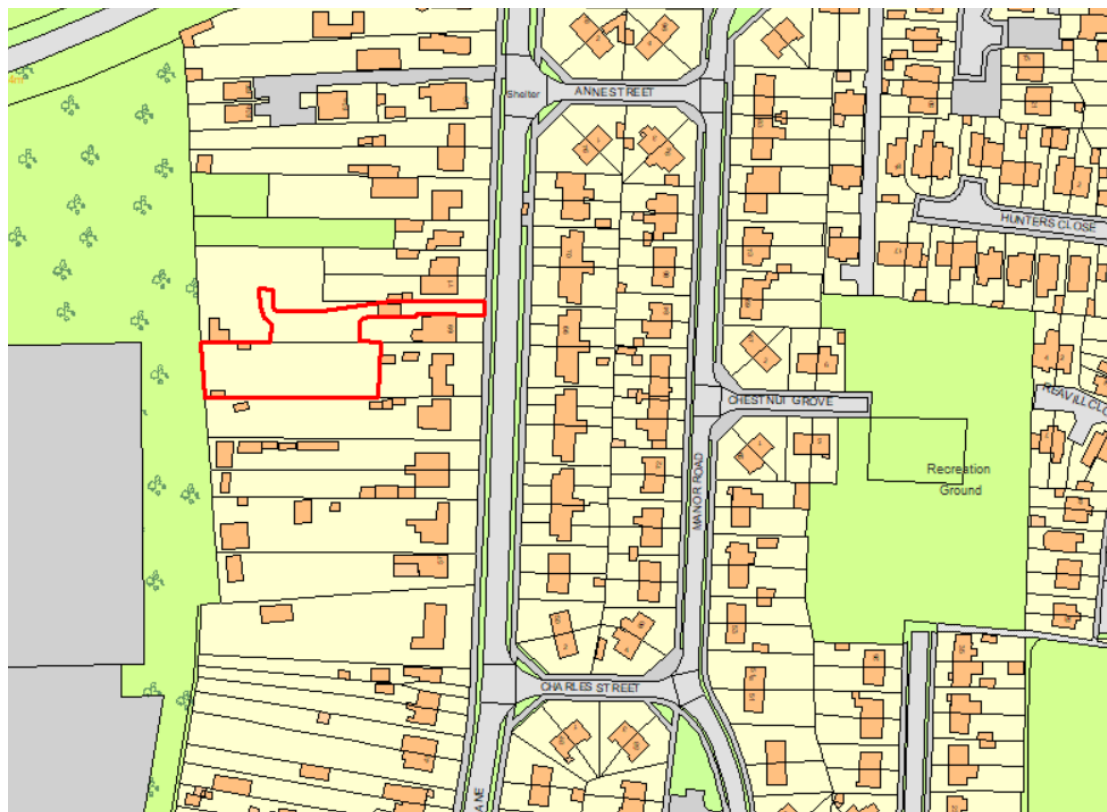
To ensure that the amount of material/depth of surfacing and type of material is appropriate for use in close proximity to trees adjacent to the boundary of the site.

## **POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2021/2127</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/2127">https://rotherham.planportal.co.uk/?id=RB2021/2127</a>
<b>Proposal and Location</b>	Erection of 2 No. detached bungalows and 2 No. detached garages at land to rear of 69 Breck Lane, Dinnington
<b>Recommendation</b>	Grant subject to conditions

*The application is to be presented to Planning Board due to the objections received and in accordance with the Council's Scheme of Delegation*



### Site Description & Location

The application site forms part of the rear garden of nos. 67 and 69 Breck Lane, which are detached dwellings with extensive rear gardens. This site adjoins the northern part of the land to the rear of Nos 69, 71 and 73 Breck Lane for which a previous application RB2021/0299 granted permission for three bungalows.

The site is accessed from a driveway to the north of No.69. There are several trees close to the party boundary.

Breck Lane comprises of semi-detached and detached houses in a uniformed street pattern, although there is a backland development of three properties to the north. The properties on the western side of Breck Lane have gardens which are of a significant size.

To the north and south of the site are neighbouring residential properties and their rear gardens.



To the west of the site is a former timber yard that has an extant permission for 271 no. dwellings (Ref RB2012/1643) and is a housing allocation site in the Local Plan (ref: H75)

## **Background**

Previous planning applications which are considered to be relevant to this site include:

RB2021/0299 Erection of 3 detached bungalows and 3 detached garages – Granted conditionally (This relates to plots 1-3)

RB2021/2111 Discharge of conditions 3,4,6,7,8 and 11 imposed by RB2021/0299 – Granted

RB2022/0115 Erection of 3 detached bungalows and detached double garage & creation of new access – amendment to RB2021/0299 - undetermined (to be presented to this Planning Board also)

## **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 two detached bungalows and two detached double garages (one to serve Plot 4 and the other to serve Plot 5 and 69 Breck Lane) on land to the rear of nos. 67 and 69 Breck Lane.

The site will be accessed via a private driveway off Breck Lane to the side of no. 69 Breck Lane, which also serves the 3 bungalows under construction to the north.

The two properties are proposed to be sited on the southern side of the site adjacent to the side boundary of No 65 Breck Lane. A turning head will be created between the plots and to the east of Plot 5, which could potentially be extended to the south to unlock those adjacent gardens.

Plot 4 which is sited to the south west of the site would have a large side garden of approximately 150 sqm, it would have additional garden space to the rear. It would have a relatively square footprint with small projections to the front and rear with habitable room windows on each elevation. The property would have a pitched roof form.

Plot 5 would be sited in the south eastern corner of the site and would be similar to Plot 4 with an additional side projection and a rear garden area of approximately 140 sqm.

Both properties are proposed to be constructed with a render finish under a tiled roof.

In drainage terms, a single surface water attenuation tank is proposed to serve this development, and the approved scheme for 3 bungalows, which would be located under the driveway. The surface water and foul drainage would be pumped separately up towards the entrance of the site before draining through gravity into existing surface water and foul sewers in Breck Lane.

### **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 within an area identified as 'Residential' in the Local Plan.

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

Local Plan policy(s):

CS14 'Accessible Places and Managing Demand for Travel'  
CS21 'Landscapes'  
CS25 'Dealing with Flood Risk'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS33 'Presumption in Favour of Sustainable Development'  
SP12 'Development on Residential Gardens'  
SP26 'Sustainable Transport for Development'  
SP32 'Green Infrastructure and Landscape'  
SP47 'Understanding and Managing Flood Risk and Drainage'  
SP52 'Pollution Control'  
SP55 'Design Principles'  
SP64 'Access to Community Facilities'

### **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.

The following other documents will also be relevant in the determination of this application:

National Planning Practice Guidance

Nationally Prescribed Internal Room Standards

South Yorkshire Residential Design Guide

Rotherham Adopted Supplementary Planning Documents:

- Air Quality and Emissions
- Transport Assessments, Travel Plans and Parking Standards
- 

Dinnington Neighbourhood Plan (approved 13 July 2016)

## **Publicity**

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. Two letters of representation have been received from local residents along with a letter from the Town Council which has been signed by 13 of the Parish Councillors. The issues raised by the two local residents are summarised as:

- Enhanced flood risk to the development and surrounding properties as evidenced by recent conditions on site. This was raised in objection to previous now approved site.
- Concerned that previously proposed flood mitigation system will prove inadequate for run off from extra properties.
- The developers have already found it necessary to pump out water into the drains.
- There are old clay land drains, possibly still functioning, running under the gardens around number 73,71 and on the development site which have been removed and may be exacerbating the flooding issue.
- Grave concerns regarding flooding, rising water and the water table as even more land is now being excavated for this new application.
- We were informed that only access to a maximum of 5 properties was permissible without the installation of a paved road and causeway. Despite the fact that there are only 5 properties being built, if this application is approved 6 properties will be accessing the site on a daily basis, as number 69 has allocated parking and it's garage as part of the new development.
- We were excluded from the list of notifications for this application, despite having a boundary with this proposed development
- As this is a new application we would expect this to be subject to the conditions as set out in the Dinnington Neighbourhood Plan.

The issues raised by the Town Council (and 13 named Councillors) are:

- This is simply an extension of the development submitted under RB2021/0299. As such, it is misleading to have a separate application and the same flooding concerns raised in the earlier application remain with this one.

- There is no tanking provision included in this application to try and alleviate potential flooding of these and neighbouring properties and therefore the council feels it is unable to support this application until such concerns are addressed.

One local resident has requested the right to speak at the Meeting.

## **Consultations**

RMBC Transportation Infrastructure Service: Note that this site is part of recently approved planning application for 3 bungalow dwellings separate to this application (RB2021/0299 refers), which would result in 5 no dwellings taking access from the private drive. As such they confirm that they have no objections to the granting of planning permission in a highways context subject to a condition regarding surfacing materials to the vehicular areas.

RMBC Tree Service: No objections subject to conditions.

RMBC Drainage: The drainage engineer initially requested additional information with regard to details of the foul and surface water management and flood resilience. On receipt of detailed information they have confirmed that they have no further concerns subject to the imposition of a pre commencement condition for the pumping station design and full approval from Severn Trent Water for discharge.

RMBC Environmental Protection officer: Notes that historically, the land has been in use as agricultural land prior to becoming occupied by a number of structures, some potentially greenhouses. Land to the west of the site has been used for the treatment and storage of timber. It is possible that the former site uses and adjacent site use may have given rise to some ground contamination. Asbestos containing materials may also be present within the surface soils, following the demolition of the former structures on site.

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

Based on the above findings it is recommended that in the first instance a Phase I Desk Top Study Report is undertaken to identify past uses of the site and it's potential to be affected by contamination.

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

Severn Trent: Notes that connection to sewers in Breck Lane will require authorisation under S106 of the Water Industry Act 1991.

## Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design, scale and layout
- General amenity
- Flood risk and drainage
- Highways
- Air quality
- Land contamination
- Trees
- Other issues raised by objectors
- Other considerations

## Principle

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

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

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

In respect of criteria (a) listed above this application is an extension of the previously approved application RB2021/0299 (which is currently being revised to accommodate this scheme) by accessing the gardens to the south. There is also scope to extend further subject to improvements to the access to bring it up to adoptable standards. Therefore, it is considered that the current proposal would not prevent development of neighbouring gardens and would allow for development of the wider area to potentially be achieved in the future.

In terms of criteria (b) this will be assessed in greater detail in the amenity section of this report, however in general the properties are sited a sufficient distance from existing properties and rear gardens and together with the properties being single storey they would not give rise to significant overlooking, loss of light, overshadowing or obtrusiveness that would have a detrimental impact on the amenity of neighbouring residents.

Furthermore and in respect of criteria (c) there are other examples of rear gardens being developed on Breck Lane, such that the proposal would not adversely affect the character of the area given the presence of existing similar schemes in the locality.

It is therefore considered that the proposed development would be in compliance with the requirements set out in policy SP12.

Further to the above the site is located within close proximity to local amenities and services. As such the site is within a highly sustainable location and would accord with the requirements of CS33 'Presumption in Favour of Sustainable Development' and SP64 'Access to Community Facilities'.

In addition the proposal would be in compliance with the Dinnington Neighbourhood Plan in respect of policy H1 which states, amongst other things, that housing for those with disabilities and the elderly will be supported and the current scheme could potentially provide homes for those with a disability and elderly due to the single storey nature of the dwellings proposed.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means *"...approving development proposals that accord with an up-to-date development plan without delay..."*

The remainder of this report will assess whether the proposal conflicts with the Council's adopted Local Plan.

### Design, Scale and Layout

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

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

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

The NPPF at paragraph 126 states: “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...”

Paragraph 130 states planning decisions should ensure developments

- a) will function well and add to the overall quality of the area;
- 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
- d) establish or maintain a strong sense of place
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development

The proposed dwellings are similar in design to the recently approved bungalows on the land to the north, have sufficient space for the parking and manoeuvring of vehicles with adequate private amenity space for the proposed properties. As such it is considered that the development would not constitute overdevelopment of the site, and its layout is considered to be acceptable.

In respect of the design of the properties and garages, it is considered that they would assimilate into the area and would not appear out of character in this backland setting.

The proposed use of render, whilst not matching existing properties on Breck Lane, is considered to be appropriate in this location where they would not be viewed within the streetscene of Breck Lane and create a separate residential environment, as such they would not result in the introduction of an incongruous feature.

It is therefore considered that from a design perspective the proposal would represent an acceptable and appropriate form of development that would be in compliance with the requirements of the NPPF and the Local Plan policies referred to above.

### General Amenity

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

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

g. the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."

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.

The South Yorkshire Residential Design Guide sets out inter-house spacing standards which state there should be 21 metres between principal elevations and no habitable room window should come within 10 metres of a boundary with another property. However, these generally relate to two-storey or higher properties. As the proposed dwellings are single-storey, their impact on neighbouring properties will be less even when they are sited in close proximity to neighbouring gardens.

Both plots are sited adjacent to the side boundary of the rear garden of No. 65 Breck Lane and to the rear of 67 Breck lane. Plot 5 is the closest to each of those dwellings and would be sited over 24 metres from the rear elevations of those properties.

The properties would be within 6m of the side boundary of the long rear garden to No. 65 Breck Lane, however, given that the windows are at ground floor and the proposed boundary treatment would screen views over the adjacent land the impact in terms of overlooking from the properties would be minimal.

Additionally, given the height of the properties and their orientation to the northern side of the neighbour's garden it is considered that the properties would not appear overbearing, oppressive or impact on outlook from nos. 65 and 67 Breck Lane.

However, it is considered appropriate to remove permitted development rights for alterations to the roof in terms of dormer windows, which could result in a negative impact on the amenity of neighbouring residents by creating potential overlooking and loss of privacy.

In terms of the height of the properties and impact on sunlight, it is considered that given they are single storey it would be acceptable, and with the orientation of the site being located to the northern side of No. 65 and the distance from the adjacent dwellings it is considered that that neighbouring properties will not be adversely affected in respect of direct sunlight entering their properties or rear gardens.



In respect of the garages, given their size, scale, form, design and siting they would not raise any amenity issues that would warrant a refusal of this application.

It is therefore considered that with regard to amenity issues the proposed dwellings would raise no significant issues to either adjacent occupants or the future occupants of the proposed scheme and as such the proposal would comply with requirements of the NPPF at paragraph 130 and Local Plan policies CS27 'Community Health and Safety,' SP52 'Pollution Control' and SP55 'Design Principles.'

Other issues raised by adjacent occupiers in terms of flood risk is discussed below.

### Flood Risk and Drainage

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.

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.

This advice is repeated by paragraphs 167 and 169 of the NPPF.

The site is located within Flood Zone 1 (minimal chance of flooding) but there is evidence of surface water flooding at the site and to adjoining gardens along Breck Lane.

Residents have raised concerns regarding the potential for additional flooding and drainage issues and have provided photographic evidence of the site being flooded since work began on the other part of the site.

The Council's Drainage Section requested additional information with regard to details of the foul and surface water management and flood resilience. The applicant has provided additional information in respect of drainage and surface water flooding and flood alleviation proposals. These include the provision of an attenuation tank and surface water pumping station with Hydrobrake within the site to serve both developments.

On receipt of this detailed information the Drainage Section have confirmed that they have no further concerns subject to the imposition of a pre commencement condition for the pumping station design and full approval from Severn Trent Water for discharge.

An objector notes that there are old clay land drains, possibly still functioning, running under the gardens around number 73,71 and on the development site which have been removed and may be exacerbating the flooding issue. In response, the applicant states that there were no such drains running across their site when excavations have taken place for foundations (on the development site for the 3 bungalows). The applicant states that the cause of any flooding on the adjoining site for 3 bungalows was in fact natural surface water flow from the north to the south and the natural gradient from Oldcotes Road (to the north) to Outgang Lane (to the south) and the unattended open foundation trenches over the Christmas period in heavy rain forming a “depression” that filled with water.

The applicant adds that from the topographical survey of the site there is a natural direction of rainwater to approximately the rear boundary of 71 and 73 Breck Lane (from east and west) and a more pronounced gradient to the south, and that the trench was obviously just in the way of those natural gradients in the area. They have inspected the foundation trenches at various points, as have Building Control, and saw no evidence of drainage in the trenches or any filled ground that would indicate the presence of any drainage.

Therefore, notwithstanding the comments raised by the objectors, it is considered that subject to conditions the proposed development (on land to the south of the site currently being developed out) will not increase flooding to the development site or the neighbouring gardens. As such the application is in compliance with the requirements of the relevant national and local planning policies referred to above.

### 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”*.

The scheme has been assessed by the Council’s Transportation Infrastructure Service they have stated that the site layout is satisfactory and will result in 5 dwellings taking access from the private drive.

Concerns have been raised by a neighbour in regard to the access also serving the garage for No. 69 thereby creating 6 dwellings off a private drive, however the Highways Officer has stated that access is judged as how someone would gain access to the property for things like deliveries etc. such as a postman. In this case, it would be via the building frontage of No 69 Breck Lane, so the private driveway is not classed as an access to that property. As No. 69 has proposed a vehicular access and parking to the front of the property under the revised application RB2022/0115 this would not count as an additional vehicular access.

Furthermore, given the location of the site the proposed development would be in close proximity to services and amenities, as well as public transport links, cycle routes and footpaths such that the site is in a highly sustainable location and would satisfy the requirements set out at adopted Local Plan policies CS14 'Accessible Places and Managing Demand for Travel' and SP26 'Sustainable Transport for Development', as well as the adopted SPD 'Transport Assessments, Travel Plans and Parking Standards'.

### 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 2 dwellings is classified as a Minor proposal as set out in the adopted Rotherham SPD 'Air Quality and Emissions'.

For this type of development 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 proposals indicate the installation of 7kw EV charging points within each of the proposed garages. The site is located in an area in close proximity to services and amenities, as well as public transport links, cycle routes and footpaths such that the site is in a highly sustainable location. As such there are no issues in respect of air quality impact from the development and the scheme would comply with policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 112 of the NPPF.

### 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.

There are trees to the western boundary of the site and proposed barrier fencing has been submitted to protect these during construction. The Tree officer has no objections subject to conditions.

No details of any proposed landscaping of the site have been submitted, although the site plans indicate areas to be grassed with planting. Details of these are recommended to be required by condition to ensure that the proposed development would be in compliance with the requirements set out within CS21 'Landscapes' and SP32 'Green Infrastructure and Landscape'.

#### Land contamination

Local Plan Policy CS27 'Community Health and Safety' states that "Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality."

The reuse of previously developed land and buildings is encouraged to ensure the efficient use of scarce land resources. This includes the re-use of sites which may have been contaminated by previous activity. Therefore, it is important to ensure that any contamination is dealt with as part of the redevelopment process, to ensure there are no adverse effects on future occupants or the environment.

The Council's Environmental Protection officer has assessed the site and the proposals and notes that historically, the land has been in use as agricultural land prior to becoming occupied by a number of structures, some potentially greenhouses. Land to the west of the site has been used for the treatment and storage of timber. It is possible that the former site use's and adjacent site use may have given rise to some ground contamination. Asbestos containing materials may also be present within the surface soils, following the demolition of the former structures on site.

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

Based on the above findings it is recommended that conditions are imposed requiring identification of any possible sources of contamination and appropriate steps to be taken should any contamination be found.

#### Other issues raised by objectors

One of the objectors has raised a concern that they were not notified by individual neighbour letter about this application, as they consider that they have a common boundary with this proposed development. However, whilst they have a common boundary with the previous site, this is a separate application on a different parcel of land to which they do not directly share a boundary.

Notwithstanding the above the application was publicised by a site notice outside the site on Breck Lane to make other residents in the area aware of the application and was also on the Weekly List on the Council's website.

### **Other Considerations**

In relation to construction, it is considered that some noise, dust and disturbance is to be expected with development works of this type, however, it is important to limit the impact of the works on nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs; the Council will add the standard informative to any approval regarding the construction works and any breach would be covered by the Environmental Protection Act.

The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. A standard informative will advise on this matter.

### **Conclusion**

In respect of the objections received it is considered that having regard to the comments and assessment above, the issues have been addressed and the relevant consultees, subject to conditions, are satisfied that the scheme would not cause flooding within the site or to neighbouring properties. Therefore, the issues raised have been addressed sufficiently to allow the application to be supported.

Having regard to the above, the application is considered to be acceptable in principle and represents an acceptable form of development which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues, impact on drainage or result in the loss of trees. Therefore, the application would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions.

### **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 08 and 11 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 08 and 11 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)

Drawing number JBA.3962.105.B, JBA.3962.106.A Received 25 February 2022

Drawing number JBA.3962.101.G Received 14 March 2022

Drawing number E21/7871/020B Received 16 March 2022

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 shown on drawing nos JBA.3962.105.B, JBA.3962.106A and JBA.3962.101G. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

No dwelling shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the design, materials and type of boundary treatment to be erected. The boundary treatment as approved shall be completed before the first dwelling is occupied and shall thereafter be retained and maintained.

Reason

In the interests of the visual amenity of the area.

Highways

05

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.

06

Prior to the occupation of each dwelling, one vehicle charging point per dwelling shall be provided as per the approved drawings. The dwelling shall not be occupied until the charging point has been provided and shall thereafter be retained.

Reason

In the interests of sustainable development and air quality in accordance with the Local Plan and the NPPF.

07

Before the development is brought into use, replacement parking for No. 69 Breck Lane shall be provided.

Reason

To ensure adequate parking in the interest of highway safety.

Drainage

08

The development hereby granted shall not begin until details of the pumping stations and adequate discharge approval has been approved by the Local Planning Authority, including all related works necessary to drain the site. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to first occupation of the dwellings.

#### Reason

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

09

The development shall not be brought into use until the drainage details shown on the Drainage Plan ref: E21/7871/020B have been 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.

10

The development shall not be brought into use until the details outlined in the Flood Routing Plan ref: E21/7871/019A submitted and approved under RB2021/2111 have been implemented, unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

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

### Land Contamination

11

Prior to commencement of development a Phase I Site Assessment Report consisting of a desk top study, a site walkover, and a conceptual site model must be undertaken to obtain an understanding of the site's history, its setting and its potential to be affected by contamination. This report must be submitted to the Local Planning Authority for review and consideration. If further intrusive investigations are recommended within the report then these works must be undertaken in accordance with the conclusions and recommendations detailed in the Desk Study Report.

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.

12

Subject to the findings of the Phase I Site Assessment Report and prior to above ground works commencing, a Remediation Method Statement shall be provided and approved by the Local Planning Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless



the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local 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.

13

If during development works 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.

#### 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.

14

If subsoil/topsoil is required to be imported to site for gardens and areas of soft landscaping, 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.

#### 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.

15

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

The site shall not be brought into use until such time as all validation data has been approved by the Local Planning Authority.

**Reason**

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

**Restrictions**

16

Notwithstanding the provisions of Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development) Order 2015, as amended, no extensions or alterations to the roof of the properties hereby approved shall be carried out without the prior permission of the local planning authority.

**Reason**

In the interests of the amenity of neighbouring residents.

**Trees/Landscape**

17

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

**Reason**

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

18

All tree works shall be carried out in accordance with B.S.3998: 2010. The schedule of all tree works shall not exceed that set out in the submitted tree report dated November 2021, unless otherwise approved in writing by the Local Planning Authority.

**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.

19

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by

the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

#### Reason

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

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

04

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form

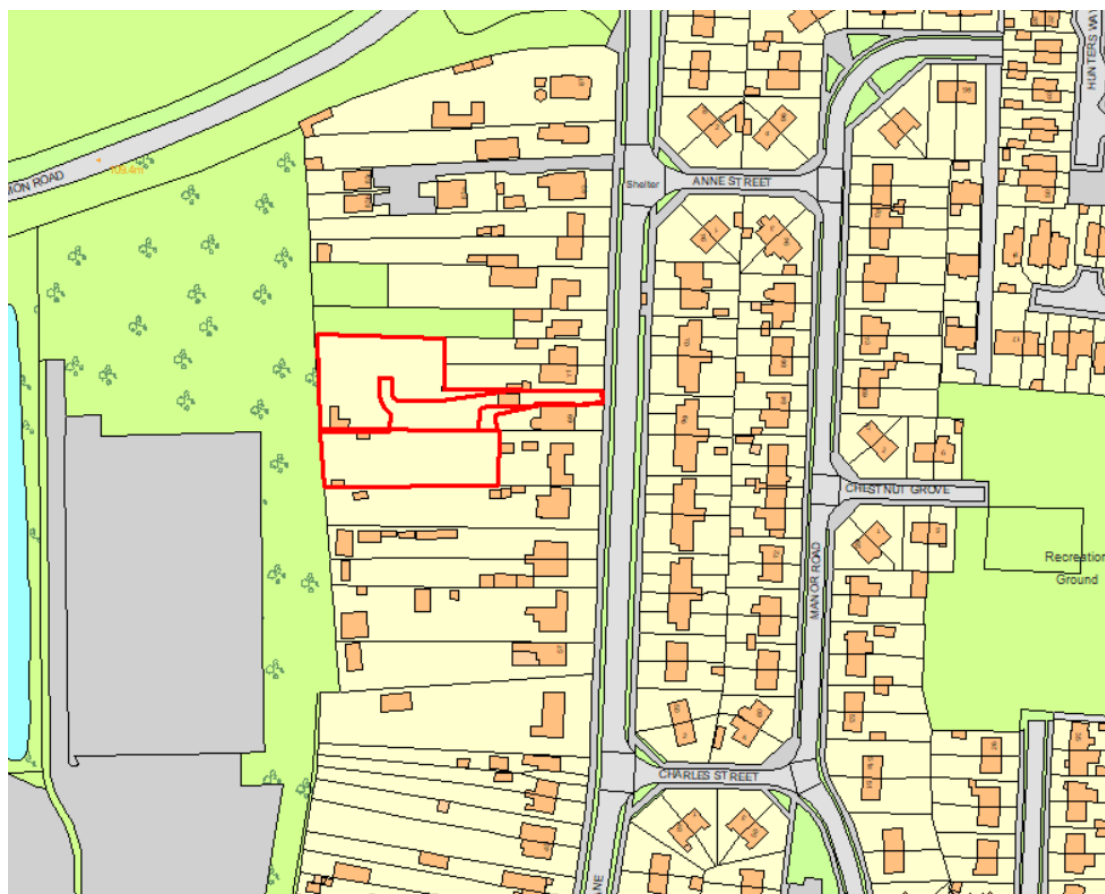
from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

#### POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2022/0115</b> <a href="https://rotherham.planportal.co.uk/?id=RB2022/0115">https://rotherham.planportal.co.uk/?id=RB2022/0115</a>
<b>Proposal and Location</b>	Erection of 3 No. detached bungalows and 3 No. garages & creation of new access at land to rear of 69 Breck Lane, Dinnington
<b>Recommendation</b>	<b>Granted Conditionally</b>

*This application is being presented to Planning Board due to the number of objections received and in accordance with the Council's Scheme of Delegation.*



### Site Description & Location

The application site forms part of the rear garden of no. 69 Breck Lane. No. 69 Breck Lane is a two-storey detached dwelling with an extensive rear garden, which appears to have at sometime in the past incorporated parts of the rear gardens of 71 and 73 Breck Lane. There is a driveway to the north of the property with a garage located close to the rear of the host property. There are several trees within the site and within neighbouring gardens close to the party boundary.

Breck Lane comprises of a semi-detached and detached houses in a uniformed street pattern, although there is a backland development of three properties to the north. The properties on the western side of Breck Lane have gardens which are of a significant size.

To the north and south of the site are neighbouring residential properties and their rear gardens.

To the west of the site is a former timber yard that has an extant permission for 271 no. dwellings and is a housing allocation site in the Local Plan (ref: H75)

## **Background**

There has been several previous planning applications submitted relating to this site:

RB2021/0299 – Erection of 3 No. detached bungalows and 3 No. garages & creation of new access – Granted Conditionally – 14 October 2021

There has also been a discharge of condition application and a non-material amendment application in relation to the above:

RB2021/2111 – Discharge of conditions 3, 4, 6, 7, 8 and 11 imposed by RB2021/0299 – Granted – 24 January 2022

RB2022/0039 – Non Material Amendment to RB2021/0299 to amend site layout – Refused – 26 January 2022

The above NMA application was refused as the works proposed did not constitute non-material and as such this application has been submitted.

Work has commenced on the three bungalows and construction at the time of writing is above ground level on all three properties and as such this permission is now extant.

There is also an application on land to the south that will be accessed via the site subject to RB2021/0299 and this application:

RB2021/2127 – Erection of 2No detached bungalows with detached garages – Currently Undetermined

## **CIL**

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

## **Proposal**

The application is seeking to vary the approved site layout and elevation treatment of the dwellings previously approved.

The changes to the layout include:

- The omission of one of the approved garages.
- Relocate the other two garages from the southern boundary of the site to the northern boundary between plots 1 and 2; and
- Amend the path of the private driveway within the site to allow an access to the land to the south.

The changes to elevation of the three bungalows relates to the materials changing from brickwork to render on all elevations of plots 1 and 2, and on the rear and side elevations on plot 3. The front elevation of plot 3 will remain brickwork. Their design, appearance and size remain as approved.

The garage hereby proposed would be a double garage with one half providing space for Plot 1 and the other half for Plot 2, this is in addition to a surface car parking space for each in front. Plot 3's parking would be to the front of the property.

The garage building would be sited with its rear elevation parallel to the northern boundary of the site which is the shared boundary with no. 75 Breck Lane. The building would be 6.8m x 6.8m with an eaves height of approximately 2.4m and a total height to the ridge of approximately 4m.

Two parking spaces for the existing property at 69 Breck Lane are proposed to the front of that property off the previously approved access road.

In drainage terms, a single surface water attenuation tank is proposed to serve this development, and the proposed scheme for 2 bungalows to the south, which would be located under the driveway. The surface water and foul drainage would be pumped separately up towards the entrance of the site before draining through gravity into existing surface water and foul sewers in Breck Lane.

### **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 within an area identified as 'Residential' in the Local Plan.

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

Local Plan policy(s):

CS14 'Accessible Places and Managing Demand for Travel'  
CS21 'Landscapes'  
CS25 'Dealing with Flood Risk'

CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS33 'Presumption in Favour of Sustainable Development'  
SP12 'Development on Residential Gardens'  
SP26 'Sustainable Transport for Development'  
SP32 'Green Infrastructure and Landscape'  
SP47 'Understanding and Managing Flood Risk and Drainage'  
SP52 'Pollution Control'  
SP55 'Design Principles'  
SP64 'Access to Community Facilities'

### **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.

The following other documents will also be relevant in the determination of this application:

National Planning Practice Guidance  
Nationally Prescribed Internal Room Standards  
South Yorkshire Residential Design Guide  
Rotherham Adopted Supplementary Planning Documents:

- Air Quality and Emissions
- Transport Assessments, Travel Plans and Parking Standards

Dinnington Neighbourhood Plan (approved 13 July 2016).

### **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. An objection from Dinnington Town Council with 14 signatures has been received. The issues raised by the Town Council are:

- Assurance that the development, if permitted, will be constructed in such a way that the flood risk is diverted to a safe area and not just protecting the new properties.

### **Consultations**

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Tree Service: No objections.



RMBC Drainage: No objections subject to conditions.

RMBC Land Contamination: No comments received on this application but raised no objections to the previous extant application.

Severn Trent: 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 principle of development has been previously established under the approved application RB2021/0299 which is currently being built out. Furthermore, the design, scale, appearance and siting of the bungalows as well the layout of the site in general has also been established and cannot be reconsidered as part of this application. Moreover, the impact of existing neighbouring properties in respect of overlooking, overshadowing and amenity of the three properties was also considered as part of the previously approved application and deemed acceptable.

Further to the above, the access to Breck Lane, the width of the access and the internal road layout has also been considered and deemed acceptable under the previously approved application and thus cannot be reconsidered as part of this application. In addition, the slight change to the path of the internal road is not considered to raise any concerns and the Transportation Infrastructure Service no objections to this change.

In addition, drainage / flood risk and impact on trees was also considered as part of the previous application and it was judged that subject to conditions the impact would either be acceptable or could be suitably mitigated.

In respect of trees, it is of note that the tree works have previously been approved under the original application RB2021/0299 and the tree protection measures required during the construction phase have been agreed as part of the discharge of condition application (RB2021/2111) and are currently on site. Therefore, subject to these protection measures being maintained

throughout the construction phase there are considered to be no tree issues with the scheme.

In respect of drainage and flood risk, a drainage scheme and flood route drawing required to be submitted before works commence under RB2021/0299 was submitted as part of the discharge of condition application RB2021/2111. This information was assessed and considered by the Council's Drainage Engineers who indicated that the information provided was acceptable and subject to the agreed details being implemented before the first dwelling was occupied then the conditions could be discharged.

The same information in respect of the above was submitted as part of this application and as such the Drainage Engineers confirmed that the information is acceptable and subject to the scheme being implemented prior to works commencing the development would not give rise to any drainage / flood risk issues either within the application site or on neighbouring sites.

During the application process for the adjacent site the Drainage layout needed to be amended. A revised drainage layout was submitted with that application and also for this application. It was considered by the Drainage Engineers and deemed acceptable. Therefore, the revised scheme would need to be implemented prior to the first dwelling being occupied.

It is therefore considered that the only consideration in respect of this application is the relocation of the garages and the change to the materials used in the bungalows.

The garage building hereby proposed is considered to be of an acceptable size, scale, form and design that would comply with policies CS28 'Sustainable Design' and SP55 'Design Principles' of the Council's adopted Local Plan as well as relevant paragraphs of the NPPF. Therefore, from a design perspective the garage raises no issues or concerns and would represent an acceptable addition to this site.

Furthermore, it is considered that whilst it would be located close to the side boundary with no.75 Breck Lane and its rear garden, its height, together with the boundary treatment and orientation of the site would ensure that it would not appear overbearing or oppressive when standing in the garden and would not give rise to overshadowing of the garden to such an extent that it would negatively affect the amenity of the occupants of no. 75. Therefore, from an amenity perspective the proposal would comply with paragraph 130(f) of the NPPF and policy SP55 'Design Principles' of Rotherham's adopted Local Plan.

With regard to the change in materials used in the external appearance of the bungalows from brickwork to render, this matter has already been considered as part of the discharge of condition application (RB2021/2111) and as such it is of note that the change raises no issues in respect of the impact of the development on the wider area, as the external finish proposed would be acceptable and appropriate in this backland location.

## Other Considerations

In respect of the objections received it is considered that having regard to the comments and assessment above, the issues have been addressed and the relevant consultees, subject to the approved details being implemented, are satisfied that the scheme would not cause flooding to neighbouring sites. Therefore, the issues raised are considered to have been addressed sufficiently to allow the application to be supported.

## **Conclusion**

Having regard to the above, the proposed changes to the approved and extant permission are considered to be acceptable and would ensure that subject to conditions the changes would not adversely affect the character or appearance of the locality, the amenity of existing and proposed residents and would not result in any highway safety issues or give rise to drainage / flood risk issues either to the application site or neighbouring properties. Therefore, the changes would still ensure that the application complies with relevant national and local planning policies and is subsequently recommended for approval subject to conditions.

## **Conditions**

### General

01

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)

#### Location Plan

JBA.3962.108C – Site Plan, Garage Elevations and Sections

JBA.3962.102D – Plot 1 Elevations and Plans

JBA.3962.103D – Plot 2 Elevations and Plans

JBA.3962.104D – Plot 3 Elevations and Plans

#### Reason

To define the permission and for the avoidance of doubt.

### Materials

02

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 JBA.3962.102D, JBA.3962.103D and JBA.3962.104D. The development shall thereafter be carried out in accordance with these details.

Reason

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

03

No dwelling shall be occupied until the boundary treatment details shown on drawing number JBA.3962.108C have been implemented and shall thereafter be retained and maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of the visual amenity of the area.

Highways

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

Prior to the occupation of each dwelling, the Electric Vehicle Charing Point as shown on drawing JBA.3962.108C shall be provided and thereafter be retained.

Reason

In the interests of sustainable development and air quality.

06

Before the development is brought into use, replacement parking for No. 69 Breck Lane shall be provided.

Reason

To ensure adequate parking in the interest of highway safety.

Drainage

07

Within 1 month of the date of this permission, details of the pumping stations and adequate discharge approval shall be submitted to and approved by the

Local Planning Authority including all related works necessary to drain the site. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to first occupation of the dwellings.

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

08

The development shall not be brought into use until the drainage details shown on the Drainage Plan ref: E21/7871/020B have been implemented.

Reason

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

09

The development shall not be brought into use until the details outlined in the Flood Routing Plan ref: E21/7871/019A submitted and approved under RB2021/2111 have been implemented, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

Land Contamination

10

In the event that during development works unexpected significant contamination is encountered at any stage, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local 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.

Restrictions

11

Notwithstanding the provisions of Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development) Order 2015, as

amended, no extensions or alterations to the roof of the properties hereby approved shall be carried out without the prior permission of the Local Planning Authority.

#### Reason

In the interests of the amenity of neighbouring residents.

#### Trees

12

All tree protection methods detailed in the Arboricultural Method Statement submitted and approved under RB2021/2111 and currently in situ on the site shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

#### Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

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

04

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

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

#### POSITIVE AND PROACTIVE STATEMENT

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