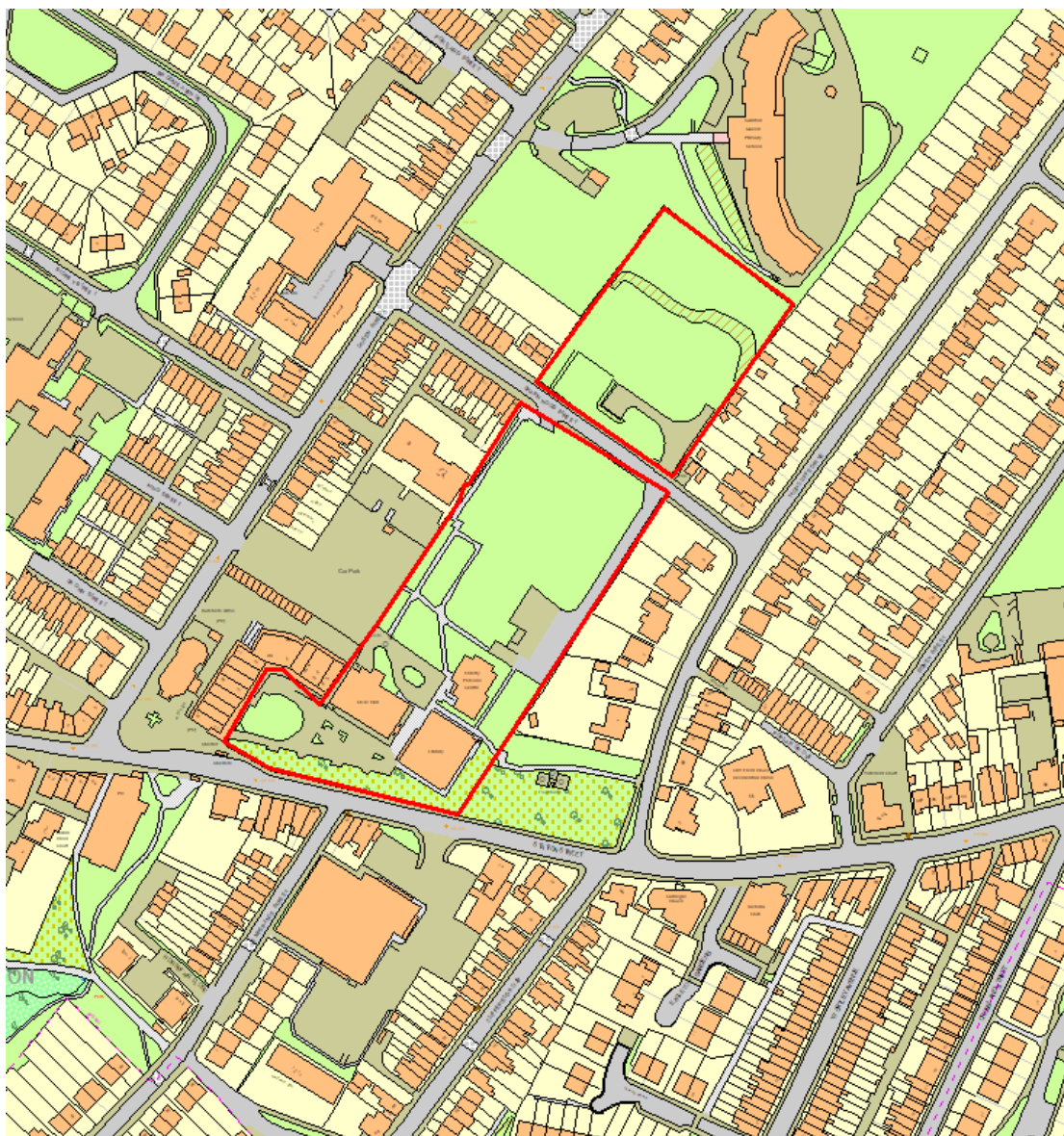


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 21ST JULY, 2022**

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.

| | |
|------------------------------|---|
| Application Number | RB2021/0030 https://rotherham.planportal.co.uk/?id=RB2021/0030 |
| Proposal and Location | Demolition of the existing library, external alterations to the former service centre to provide new library, external alterations to the civic hall, provision of a new children's play area, works of hard & soft landscaping and erection of 49 No. dwellinghouses, creation of access & associated works, 2 sites off Charnwood Street & Station Street, Swinton |
| Recommendation | <p>That the Council enter into a legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • A financial contribution of £500 per dwelling towards sustainable travel measures to support the development. • A financial contribution of £23,600 for the provision of replacement offsite tree mitigation • A financial contribution of £91,338 towards education provision • Establishment of a Management Company to manage and maintain the areas of Greenspace on site. • Affordable Housing provision of 12 units in total. This is broken down as follows: <ul style="list-style-type: none"> - the provision of 8no. units on site units at Plots 39, 40, 41, 42, 43, 44, 45 and 48. - A commuted sum equating to 60% of the difference between the estimated open market value set out in the viability appraisal submitted by the applicant of 4no. units at plots 35, 36, 38 and 49 and the actual sales values achieved at the point of sale. <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 and cannot be delegated.



OFFICER REPORT

1. Site Description & Location

The site comprises of a part of Swinton Town Centre and the area directly to the north including the existing library site as well as the former Health Centre and Swimming Baths along with the former Charnwood House nursing home on the site to the north. Part of the site lies within Swinton Conservation Area. Charnwood Street intersects the two areas proposed for residential development.

The application site is approximately 2 hectares / 4.94 acres with the area for the housing development being 1.41 Ha / 3.48 acres. The site is in a broadly linear shape lying on a north east-south west axis. The majority of the site is allocated for residential purposes in the Local Plan with the southern area being within the town centre having a retail allocation.

The surrounding area to the northwest and east of the site is predominantly residential. The surrounding area comprises of a mix of housetypes including bungalows, detached two storey properties, terraced houses and apartments. The neighbouring site to the north comprises of Swinton Queen Primary School. Queen Street car park lies directly adjacent to the site. There is an existing footpath from the Library to Highcliffe Drive.

There are a number of trees across the site, particularly on the boundaries of the southern site. Also there are a number of more mature trees at the southern end of the site within the Swinton Conservation Area.

2. Background

The previous site history and background can be summarised below:

During the 1980s and 90s various extensions and alterations were made across the sites.

In 2010 the Civic Centre had its external appearance upgraded.

The majority of the previous buildings were demolished in late 2017 following Prior Approval application RB2017/1693.

3. Proposal

The application can be summarised as follows:

- Erection of 49 no. dwellings with associated parking across two sites (Site A and Site B) on opposite sides of Charnwood Street. Access is gained to both sites directly from Charnwood Street. 20 plots are proposed on the site to the north of Charnwood Street and 29 plots on the site to the south of Charnwood Street.
- It is proposed to demolish the existing library and create a landscaped area in the place of the building.
- Refurbishment and alterations to existing Customer Service Centre to provide new Library including external alterations and internal refurbishment.
- Refurbishment of existing Civic Centre, café and the creation two meeting rooms. This will include the provision of a new access to the building and external and internal alterations.
- New landscaping and improvements to public realm area adjacent to the existing precinct and alongside Station Street ('the Proposed Development'). There is proposed to be a new play area to between the existing Civic Building and Station Street and a new pedestrian access directly from Station Street.

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

Design and Access Statement

- The site extends from Station Street to the south to Charnwood Street to the north (Site A) and also includes land between Charnwood Street and Swinton Queen Primary School to the north (Site B). The application boundary includes Swinton Civic Hall, the public open space in front of the local shops, the former District Offices and the land currently occupied by the library.
- The frontage of Site A, to the north of Station Street, comprises a hard and soft landscaped civic area in front of an existing parade of shops, Swinton Civic Hall and Swinton Community Library. This public area is predominantly hard landscaped with concrete paving slabs, several brick-built raised planters, various stepped and ramped level changes, brick retaining walls and some seating.
- Pedestrian access to the civic area from Church Street is prevented along most of its length, only being possible from the south western corner adjacent the current Post Office. A low brick retaining wall runs around the front of the parade of shops, which combined with tree / shrub planting in the civic area leaves the retail units lacking visual presence from the street.
- Swinton Civic Hall is also of brick construction, single storey to 2-storeys high (due to the double height hall within) with clerestory glazing, narrow vertical feature windows and a flat roof. Internal timber glulam beams which span across the hall are expressed as projections on the elevation. The entrance to the Civic Hall is on the side / west elevation creating a disconnect between the building, its users and the civic square and the street to the front. The existing community library is a larger 2-storey, brick building with flat roof to the east of the civic square. The library has few windows to the street, but a larger glazed atrium on the west elevation and single storey glazed monopitch roof on the east elevation. The old district office building is to the north of the existing library, is single storey and of brick construction, with a ramped and stepped approach to the front entrance. To the east of the existing library and district offices, beyond the application boundary, there are further landscaped public gardens. The land to the north of the civic hall has been cleared of the former council owned buildings and is now grass / scrubland, with some hardstanding and tarmac / paved footpaths remaining. This land is relatively level between the rear of the Civic Hall and Charnwood Street. To the rear of the Civic Hall is an existing turning head which services the civic buildings. To the west of the cleared land is an existing public car park (Queen Street Car Park) and further north existing residential development abuts the western application boundary. Pedestrian connectivity between the rear of the site and the civic square and main shopping street is poor. Visibility between buildings is poor and existing buildings provide limited natural surveillance of pedestrian routes. Along the eastern boundary of Site A are existing single storey dwellings and private gardens with tree and shrub planting along the boundary edge. Site B Charnwood Street splits the application site into two parts. To the north of Charnwood Street the land sits between 0.5m and 2.5m

lower than the highway with a brick retaining wall along the back edge of the footpath. There is a redundant vehicle access in the south western corner of the site. This land was cleared of council owned buildings and is now grass / scrubland with a few trees and some hardstanding remaining. The land continues to slope from Charnwood Street to the northern boundary. To the east and west of Site B are existing 2-storey residential dwellings. To the northwest is Swinton Queen Primary School and grounds. The east, west and northern boundaries comprise of a range of fencing and brick boundary walls.

The proposal seeks to achieve the following

- Improve the quality and accessibility of the Civic square.
- Improve pedestrian flow between facilities within the town centre and across Church Street.
- Improve the visibility of existing retail, community and civic facilities.
- Provide improved, well overlooked pedestrian connection from existing housing areas to the north of the civic centre and from Queen Street car park into the town centre.
- Provide a new improved library facility.
- Create a mix of high quality new homes that will add footfall and vitality to Swinton town centre.

During the determination of the application amended plans have been received and can be summarised as follows:

- Alterations to some of the plot layouts and sizes to improve amenity and garden areas.
- Improved external spacing standards and outlooks to the plots, particularly in the southern section of the site.
- Amendments to the internal road layouts and parking provision.
- Additional tree survey information and clarifications.
- Improved Affordable Housing offer.

Electric Car Charging

- The development will have car charging infrastructure installed and a charging point will be available to each plot (Network capacity available).
- The site is well located for local shops and services which are in walking distance, as well as public transport reducing the need to rely on the private car.

Alterations to Swinton Civic Hall

The proposal for the Civic Hall is for a number of interventions to the existing configuration along with a general refurbishment to internal areas. One of the main alterations is the existing main entrance to the Civic Hall. This is currently accessed off the route between this building and the current library. The proposal is to move this entrance to be accessed directly off the main square in line with proposals to upgrade the landscape to this area which is covered in greater detail in the landscape section. The entrance will have

level access and automated opening doors. The existing entrance will be blocked off to provide an area of cycle parking. Along with moving the main entrance, the front elevation off Station Street will also receive vertical “fin” installation to the existing roof supports which are expressed through the front of the building. Some of these are in a poor condition which will require remedial treatment prior to the introduction of the fins. A coloured rendered panel will also be introduced to the front and side elevation on the corner to increase visibility to the main entrance. There is also a proposal to create a direct entrance to the Honey Pot cafe via the existing fire escape door location as this will provide access directly into the cafe. This entrance will have level access using the existing fire escape exit point.

Alterations to existing office building

The proposal for the office building which is currently vacant to the north east of the Civic Hall is to be re-configured to provide the library service. The existing library building is due to be demolished and landscaped as part of the civic square upgrades. The new library facility will make use of the existing main entrance which is accessed via the existing steps and ramp. Vertical fins, which match those proposed to the front elevation of the Civic Hall are proposed to the front elevation adjacent to the main entrance. A rendered panel will also be introduced to the left hand side of the main entrance doors to increase visibility to the entrance. To the east of the building, the existing grassed area is to become a reading garden. This will have a secure fence and gated access up to the rear garden boundary to the existing houses off Highcliffe Drive. This will also continue from the north west of the building to the new boundary fence line to the rear gardens of the new houses to enclose this facility

Landscape Improvements to the civic square

Low maintenance ornamental planting to improve biodiversity enhancement to the historic town centre. Ornamental grass planting style to playground (*Stipa tenuissima*) will enhance a sense of movement and softness to the hard surrounding environment. In addition, existing rockery landscape is retained and enhanced with a diversity of hardy, all year round interest planting.

Transportation Statement

- Charnwood street is a residential street subject to 30mph restrictions.
- Vehicular, walking and cycling access is proposed via Charnwood Street. Footways are proposed on both sides of the access. A further pedestrian link to the town centre is provided to the south of the site B.
- The Transport Statement highlights that the site is in an accessible location with access to sustainable modes of transport.
- The development has the potential to generate 28 two way vehicle movements during the AM peak and 31 in the PM peak period. This equates to approximately one additional vehicle on the highway network every two minutes which is considered small relative to existing traffic flows.

- Given the town centre location of the site, there is excellent accessibility to a wide range of public transport options within walking distance.

Tree Report

- Trees present that could be potentially affected by the development have been assessed as follows:
- Category A 0 trees
- Category B 15 Trees 12 Groups
- Category C 18 Trees 16 Groups
- Category U 1 Tree

The survey was carried out on the 11/11/2020 by means of inspection from ground level by an experienced and qualified arboriculturalist. The inspection can be restricted in cases where trees were ivy clad or surrounded by dense vegetation.

Due to the size and nature of the site, it was decided that the survey methodology would include broadly grouping trees that share very similar characteristics. This method is in line with point 4.2.4 of BS 5837:2012 that states 'Trees forming groups should be identified and considered as groups where the arboriculturalist determines that this is appropriate. It may be appropriate to assess the quality and value of trees as a whole, rather than individuals.'

No Veteran Trees or Ancient Trees were identified on this site.

Ecology

A Preliminary Ecological Appraisal prepared by idverde is submitted in support of this application.

Habitats within the northern half of the site comprise of brownfield habitats which have developed on the site of a former care home and sports centre (these were demolished between 2015 and 2018). The survey has been carried out to identify potential ecological constraints to any future development of the site.

Field survey was undertaken on 26th November 2020.

Habitats at the southern half of the site and located around the buildings largely comprise of areas of hardstanding plus amenity landscaping composing of ornamental shrubbery, closely mown amenity grassland and ornamental trees. Habitats to the north of the Community Service Centre principally comprise of brownfield land on the site of a former care home and sports centre (these were demolished between 2015 and 2018). The brownfield habitats have developed into areas of rank, unmanaged neutral grassland and ruderal herb.

The landscape surrounding the buildings is considered to largely be of 'low value' for foraging bats. The landscape is highly urbanised and the buildings are likely to be brightly lit by street lighting of an evening.

The trees, shrubbery and scrub at the site could support nesting birds during the breeding season.

It is considered to be unlikely that any other protected species would be present within the study area.

In summary, none of the trees on site were observed to offer any obvious bat roosting features of significant value (i.e. significant rot holes, cavities, large crevices, splits or woodpecker holes) with the majority of the trees considered to be of a young age.

Flood Risk and Drainage Assessment

- The project comprises the proposed development of two brownfield plots either side of Charnwood Road with a combined area of 1.98 hectares. This report is for the 1.38 hectares being dedicated for residential use.
- The Environment Agency's Flood Map for Planning shows the site to lie within Zone 1. The site is not at significant risk of flooding from any source. In accordance with current Planning Practice Guidance 'Flood Risk and Coastal Change', sequential testing is not required.
- Surface water disposal is considered in accordance with the drainage hierarchy in Building Regulations Part H 2010 and Planning Practice Guidance 'Reducing the causes and impacts of flooding', paragraph 80, reference ID 7-080-20150323.
- Infiltration type SuDS, such as soakaways, will not be viable on the site due to the presence of impermeable ground.
- Due to the recent demolition of buildings on both north and south sites, surface water will discharge at the brownfield runoff rate with 30% betterment. Discharge rates are to be confirmed by Yorkshire Water.
- Attenuation storage for rainfall events will be provided in proprietary below ground storage for rainfall events up to the 1 in 100 year plus climate change. Total volumes are subject to agreed discharge rates from Yorkshire Water.
- Foul effluent will discharge to the public foul sewer in Charnwood Street east of the site via existing or new connections.
- The wastewater drainage systems could be offered for adoption by Yorkshire Water.

Heritage Statement

- The southern part of Site A lies within the Swinton Conservation Area. None of the buildings within the site are individually designated.
- Swinton remained a large village with a population around 2000 until the sinking of Manvers Colliery in 1870 and the Wath Main Colliery in 1875. The collieries had a tremendous impact on the population of Swinton, by 1901 its population had grown to over 12,000.

- Historical maps from 1967 indicate that an 'Aged Persons Centre' had been constructed to the north of Rock House, with a 'Transport Depot' immediately north-west of Site A.
- During the 1970s Rock House building which stood in the centre of Swinton was demolished and a Swimming Pool, Elderly Persons Centre, Public Library and Civic Hall, with a paved and landscaped area at the south were constructed within the site, with a shopping precinct and flats constructed immediately to the north-west.
- By 2021 the Swimming Pool and Charnwood House have both been demolished. The Civic Hall, Library and Elderly Persons Centre survive. The library has seen alterations to its exterior, primarily in the form of a disabled access ramp. The adjacent shopping precinct has been re-roofed.
- There is no recorded evidence for pre-Medieval activity in the area.
- Swinton Conservation Area was designated in 1976. No Conservation Area appraisal has been undertaken, although the principal special qualities of the area are defined in the Rotherham Metropolitan Borough Council Heritage Impact Assessment as follows:
 - There is a variety of buildings ranging from farm cottages, terraces, semis and large houses to places of worship, shops and community buildings.
 - Swinton has a number of buildings of quality, age and style that are important to the character of the area.
 - The age of some of the buildings is significant. The oldest structures in the village are the remains of the old Norman chapel (situated next to St Margaret's Church and the base of the butter or market cross).
 - Seven buildings are Grade II listed, four of which are located along Fitzwilliam Street and include an old shop and house (No 15 Fitzwilliam Street).
- Within Site A the buildings are set back from the road frontage behind an engineering brick wall, part of which forms a planter. The site contains three standing buildings, the Civic Hall, the Library and the Elderly Persons Centre. These buildings divide the remainder of the site from the Conservation Area. To the north of the Elderly Persons Centre is an area of low quality tarmac hardstanding and to the south of the Civic Hall is an area of similarly low quality paving. The landform at Site B has also been altered and it no longer represents the open fields of Swinton and overall makes a negative contribution to the setting of the Conservation Area.
- There is little legibility of the historic landscape.
- The present character of the southern part of Site A is a series of later 20th Century municipal buildings. Further municipal buildings to the north have been removed. The northern part of Site A and the whole of Site B has been cleared of structures and is now derelict land. The contribution of the area to the special character of the Conservation Area is very limited. Within the site the historic fabric of boundary walls etc has been entirely removed. The character and quality of the buildings within it, including materials, do not reflect the traditional building materials of the area.

- The submitted drawings with the application indicate that this will result in the removal of the largest building, the library and the reuse and reconfiguration of the Elderly Persons Centre for the new library would result in an overall reduction of the massing of the municipal buildings when viewed from elsewhere within the Conservation Area and is considered to be an acceptable change.

4. Development Plan Allocation and Policy

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

The majority of the application site is allocated for residential purposes in the Local Plan and this covers all of the northern area including the entirety of the Charnwood site. The southern area of the site allocated for community facilities and the south western corner is within the retail allocation. The southern half of the site also lies within Swinton Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 Delivering Rotherham's Spatial Strategy
 CS3 Location of New Development
 CS6 Meeting the Housing Requirement
 CS7 Housing Mix and Affordability
 CS20 Biodiversity and Geodiversity
 CS23 Valuing the Historic Environment
 CS28 Sustainable Design
 CS29 Community and Social Facilities
 CS33 Presumption in Favour of Sustainable Development

Sites and Policies

SP1 Sites for new developments
 SP19 Development Within Town, District and Local Centres
 SP26 Sustainable Transport for Developments
 SP32 Green Infrastructure and Landscape
 SP33 Conserving and Enhancing the Natural Environment
 SP37 New and Improvements to Existing Green Space
 SP39 Design and Location of Green Space, Sport and Recreation
 SP41 Conservation Areas
 SP47 Understanding and Managing Flood Risk and Drainage
 SP55 Design Principles
 SP56 Car Parking Layout
 SP57 Sustainable Construction
 SP62 Safeguarding Community Facilities
 SP64 Access to Community Facilities

5. Other Material Considerations

South Yorkshire Residential Design Guide.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched. The NPPG was most recently update in July 2021.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and was updated in July 2021. The NPPF replaces all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

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

6. Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties along with 3 site notices around the site perimeter of the site. Additional letters to residents indicating that amended plans had been received went out on 18 June 2021.

A total of 27 representations have been received from individual addresses and these can be summarised as follows:

- Insufficient parking is available for the development.
- It is likely that future residents may have more than one car, in some cases more than two cars.
- The proposal will exacerbate existing traffic issues, particularly on Highcliffe Drive.
- A better option would be to have vehicular access through the Queen Street car park.
- Increase in accidents.
- Highfield Drive is already used as a rat run, the plans will make this worse.
- The design of the plans is uninspiring and needs a rethink.
- Insufficient neighbour consultation has taken place, particularly during a pandemic.
- Concern raised about the potential impact on the surrounding trees.

- The trees along the boundary with Highcliffe Drive need to be pruned.
- Concern about restrictions to accessing the existing garage at no. 11 Highcliffe Drive.
- The local youths have insufficient recreational areas.
- Do the local schools have the capacity to accommodate additional pupils?
- How will the existing empty shops be filled?
- Why is our library being demolished?

A total of three of the representations supportive of the proposals indicating that the area needs investment.

A number of residents have queries whether the Council has the legal rights to develop this site. There is an existing covenant that was imposed by the Harrop Sisters

In addition a petition of approximately 150 signatures. The petition can be summarised as follows:

- The land was donated to Swinton Urban District Council from the Harrop Sisters for the benefit of Swinton residents.
- Concerns with existing highway congestion are also raised.
- Loss of Green Space

Two of the objectors have requested the Right to Speak at the Board Meeting.

7. Consultations

RMBC

Landscaping Officer – no objections subject to conditions

Green Spaces Officer – no objections subject to conditions

Transportation Infrastructure Service – no objections subject to conditions

Affordable Housing Officer – no objections with scheme subject to the signing of the S106 agreement to provide 8 Affordable Units on site and a further commuted sum based on a 60% contribution of uplift in value of 4no. units from an agreed baseline to actual sales figures.

Education comments – no objections subject to entering into S106 agreement for education contribution.

Environmental Health – no objections

Drainage – no objections subject to conditions

Conservation Officer – initial concerns raised. Following the submitted revisions and clarifications overall no objections.

Tree Officer – some concerns raised due to the net loss of trees

External

Yorkshire water – no objections subject to conditions

South Yorkshire Archaeology Service – no objections

8. Appraisal

The main considerations of the application are as follows:

- The principle of development
- The design of the proposal, impact on the street scene and character of the surroundings
- The impact of the proposed development on nearby residential properties and on the Swinton Conservation Area
- Green Space and landscaping provision
- Impact on trees
- Highway safety issues
- Drainage Issues
- Viability and Affordable Housing contribution
- Other issues

Principle of development

Policy CS1 of the Core Policy sets out a settlement hierarchy for the borough, placing Swinton at the third level, making it a 'Principal settlement'. Within 'Principal Settlements' it is considered that growth opportunities are limited and any proposed development needs to be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community.

Policy CS3 of the Core Policy looks at the location of new development, stating that when allocating a site for development there will be regard to relevant sustainability criteria. In the supporting text for this policy, it notes that Planning should encourage the effective use of brownfield land. It states that derelict sites often blight areas and their re-development should be a priority. In addition, for the growth of communities in a sustainable way, new development should be located where accessibility between new housing, facilities and services can be maximised.

Policy CS12 of the Core Policy seeks to maintain and enhance the vitality and viability of retail and service centres. Under this policy, Swinton is listed as a District Centre. The strategy for Swinton is set out in this policy as follows: '...Improve environmental and physical quality of the shopping precinct in particular. Improve retail provision and pedestrian movement'

CS19 'Green Infrastructure' states 'A net gain in Green Infrastructure will be realised through the protection and enhancement of existing assets and the creation of new multifunctional areas, assets and linkages...'

Policy SP1 refers to the 'Site Development Guidelines' in Chapter 5 of the Sites and Policies Document. Here, various and specific requirements are set out for the development of the allocated sites and identify any necessary additional work or studies that need to be undertaken.

Policy SP62 Safeguarding Community Facilities indicates that *“development proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility, or that the retention of the land or building in community use is no longer viable...”*

The main issues in the principle of the development revolve around the regeneration of Swinton Town centre, which includes a significant area of vacant and or underused land that lies to the north of the current pedestrianised area along with previously demolished Council buildings on Charnwood Street. Alternative provision of community facilities is also proposed as well as improvements to the public realm.

In this instance the applicant indicates that the existing Library will be relocated to the adjacent Customer Service Building. The new library will provide improved and updated facilities, including a new outside reading area. This community facility will not therefore be lost, but services consolidated and modernised. The Council concurs with this view and considers that the proposals will assist in increasing footfall within Swinton Town Centre. The existing library is in a poor state of repair and is the subject of anti-social behaviour. The demolition of the building will allow for additional open space to the front of the newly refurbished library and open views to the Civic Building and the shops adjacent.

The proposed housing element lies within housing allocation H49 and H50 in the case of the former Charnwood House site. The principle of the residential development of these sites is therefore accepted in Policy terms. It is understood that the housing element is key to delivering the wider regeneration of the area as well as increasing the number of residents within close proximity of the town centre and therefore increasing the critical mass to increase the use of local services. It will also ensure that the entire area is regenerated as a whole site.

Overall the principle of a mixed use re-development of the site is acceptable and is supported as part of the wider regeneration aims for Swinton town centre in accordance with CS1, CS3, CS12, SP1, SP62. The detailed design of the proposals will be considered in the paragraphs below.

The design of the proposal, impact on the Swinton Conservation Area and character of the surroundings

In terms of more general design considerations the NPPF notes at paragraph 126: *“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."

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

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

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

National guidance within paragraphs 92, 108 and 130 of the NPPF provides guidance on pollution control and the impact of development on health, environmental quality and amenity. Policy SP55 requires that the design and layout of buildings should ensure that sufficient sunlight and daylight can penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing.

The overall design of the housing element has been revised and is now considered to be more reflective of the traditional character of the surroundings and is now considered to meet the criteria of SP55 paragraph *a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development.*

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

- a) Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community."*

The southern section of the site is specially allocated within H49 in the Local Plan which has been specifically allocated for future residential development. Part of the site also lies within Swinton Conservation Area. The north section lies within the site allocated for residential development (site H50).

Policy SP 41 'Conservation Areas' indicates that *"Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles:*

- a. developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings;*
- b. there is a presumption in favour of the preservation of buildings and structures, both listed and unlisted, which make a positive contribution to the special character or appearance of Conservation Areas. Permission will not be granted for the demolition of a building in a Conservation Area which makes a positive contribution to the character or appearance of the Area unless it can be clearly demonstrated that:*
- i. there is no realistic prospect of the building continuing in its existing use or that a suitable alternative use cannot reasonably be found; or*
 - ii. the building is in poor structural condition and the cost of repairing and maintaining it would be disproportionate in relation to its importance and to the value derived from its continued use; and*
 - iii. the demolition is part of a redevelopment proposal which would, in its own right, serve to preserve or enhance the character or appearance of the Conservation Area"*

In this instance it is considered that the existing library building is of a brutalist design that dates from the early 1970s. The Conservation Officer has acknowledged that the current boundaries of the Swinton Conservation Area potentially extend further to the north than would now be considered necessary. The Civic improvements and landscaping represent a significant improvement within the Conservation Area and the design is considered to be appropriate for the location bearing in mind the character of the surrounding area.

A total of 49 residential units are being proposed and whilst this represents a high density development, it is considered that this is reflective of a town centre development and is also replicated in some of the surrounding areas. Charnwood Street and Queen Street are characterised by high density terraced properties. The properties along the Charnwood Street frontage are a mix of properties facing on to Charnwood Street and facing on to the internal access roads to provide elevations with visual interest along both road frontages. Internally, the plots have also been designed to provide active frontages with private rear garden areas and parking where possible to the side of dwellings to minimise the a car dominated layout.

The scheme is considered to improve the quality and accessibility of the Civic square, by improving pedestrian flow between facilities within the town centre and across Church Street. This is considered to improve the visibility of existing retail, community and civic facilities as well as creating a better overlooked pedestrian connection from existing housing areas to the north of the civic centre and from Queen Street car park into the town centre. Overall the combination of a new library facility, mix of new homes is considered to add footfall and vitality to Swinton town centre. The appropriate residential development and combination of these regeneration benefits, along with the utilitarian visual appearance of the existing library building is considered

overall to acceptably conform to the main aims highlighted within policy SP 41 'Conservation Areas'.

In this case the plans show a layout that is considered to be of a broadly traditional design with a maximum of two storeys and two storeys with rooms in the roofspace across the site. This is considered appropriate as the site is located adjacent to existing properties as well as being in close proximity to Swinton Town Centre. The housing layout proposes a brick material that is representative of the surrounding area. The latest revised plans show internal spacing standards in compliance with National Spacing Standards and minimal external separation distances (10m outlook, 12m from rear to gable sides and 21m first floor to first floor) are met across the site.

The proposal is considered to represent an acceptable compromise between achieving a high density development whilst meeting acceptable spacing and amenity standards and is considered to meet the design guidance within the SYRDG, as well as Local Plan SP55 'Design Principles' along with the general advice in the NPPF.

Overall this revised application for a new development which is between two and two and a half storey in scale of a traditional appearance is considered to conform to the character and appearance of the surrounding urban area as required in SP55 'Design Principles' in addition to the general guidance within the NPPF. Furthermore it is considered that the development as a whole will improve the visual appearance of the Conservation Area by achieving an appropriate standard of design and improvements to the Civic area and introduction of new landscaping which will accord with Policy SP41 and the guidance within the NPPF.

The impact of the proposed development on nearby properties

It is noted that a number of the objections received highlight overlooking and privacy issues. However, it should be noted that the revised layout plan indicates that all plots now have minimum outlooks of at least 10m between the different plots and to any adjacent sites, along with a minimum distance of 21m from first floor to first floor windows. This meets the standards set in the SYRDG and is considered a sufficient distance to have an acceptable relationship with neighbouring residential properties.

Overall and taking the above issues into account it is not considered that the proposal would likely result in any material increase in overlooking. It is also considered that all habitable rooms would now have an adequate outlook of at least 10m in all instances.

Highway safety issues

Policy SP 19 'Development Within Town, District and Local Centres' refers to *"Main shopping areas, consisting of primary and, where they are defined, secondary shopping frontages, identified on the inset maps, included at Appendix 'Appendix 1: Retail centres', are the priority locations for new and*

existing shopping facilities. New retail development within these areas will be supported”.

Policy SP 26 ‘Sustainable Transport for Development’ indicates that
“Development proposals will be supported where it can be demonstrated that:
a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;
b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;
c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation”

In this instance it is considered that the site is highly sustainable being in close proximity to Swinton Town Centre with good access to shops and services as well as being on a main bus route. Indeed, one of the principal reasons for development in this location is to increase levels of footfall within the town centre and this is anticipated as part of the development.

The majority of the objections received relate to highway concerns and it is acknowledged that the potential building out of the site is likely to be a long term process. However, it is considered that subject to a Construction Management Plan, this would enable levels of disruption to be reduced.

The proposed site layout indicates a new pedestrian footpath from Station Road directly into the newly formed landscaped area adjacent to the Civic buildings. This will allow a link to the main road where there is good access to public transport and other facilities within the town centre. It is considered to be an improvement which will add to the sustainability of the site.

The Transportation Unit initially raised some concerns with the proposal on the technical design standards which did not initially meet note that required width for private drive areas, visibility splays on some junctions and turning facilities for fire engines.

Following the revisions to the layouts Transportation Unit have confirmed that the latest revised site layout (SWTC-HLM-00-00-DR-A-00001 Rev P04) now complies with guidance from the South Yorkshire Residential Design Guide and the layout is acceptable in highway terms. The level of car parking accords with the Council’s Standards and subject to the applicant entering into a S106 agreement with the Council for the sustainable travel contribution it is considered that the proposed development is acceptable in highway terms.

Overall from a highway safety and amenity perspective the scheme is considered acceptable and in accordance with the Councils recommended parking and highway layout standards.

Green Space and landscaping provision

Policy SP37 'New and Improvements to Existing Green Space' requires that: 'a. Residential development schemes of 36 dwellings or more shall provide 55 square metres of Green Space per dwelling on site to ensure that all new homes are: i. within 280 metres of a Green Space; and ii. ideally within 840metres of a Neighbourhood Green Space (as identified in the Rotherham Green Space Strategy 2010); and iii. Within 400 metres of an equipped play area.'

This Policy does however allow exceptions to this, where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space or the overall development scheme. In this proposal, the developer indicates that they will be providing new and extended areas of green space, with the provision of a fully equipped play area adjacent to the Civic Building, new lawned area in place of the existing library, and enhancements to the public realm in the precinct and Civic Centre area.

Whilst it is acknowledged that the proposal will not increase the amount of Public Open Space, the proposal will result in significant improvements to the existing POS provision within this area. The Landscape Team along with the Green Spaces Officer have indicated that the submission is satisfactory with a sufficient compromise between the overall built form and enhanced open space.

On the southern side of Church Street/Station Street, within 100m of this site, there is a substantial area of open space that is considered to be within walking distance of the site.

The Landscape Officer notes that the proposals involve the felling of a number of trees which are detailed in the tree survey and the Tree services section have commented in detail on this and any replacement planting requirements in the paragraphs below.

In terms of the landscape proposals, this indicates alterations to the public realm areas of the Civic centre site include new children's play area with seating and refurbishment to the existing rockery garden. New planting including tree planting to a new reading garden is proposed.

Visually this element of the proposal is considered to be a benefit when viewed from Station Street and this is considered to represent a significant improvement in terms of the appearance within the Conservation Area and will enable the site to become more accessible particularly for pedestrians. This is likely to lead to higher throughflow and it is also hoped that this will reduce the potential for anti social behaviour.

Within the new residential development the submission set outs areas for new planting, the majority of the vehicle parking is to the side of properties which, reduces the visual effects of parked vehicles on the street-scene. Overall, there is a good level of landscaping within the 'streets' of the residential

element which will create a positive environment and soften an otherwise relatively dense layout.

Trees and Ecology issues

Core Strategy Policy CS20 'Biodiversity and Geodiversity' states that: '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 in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.'

In this case the ecology supporting information is considered to be satisfactory. It is acknowledged that both sites A and B are brownfield sites and that the majority of both sites have previously had recent built development across them. The sites are highly urbanised and in close proximity to Swinton Town Centre. It is considered that the findings within the supporting ecology survey that the urban characteristics of the sites leads to an overall low potential of any significant wildlife habitat on site is accurate.

In terms of impact on trees it is acknowledged that the proposed scheme will result in the potential loss of 27 trees or tree groups across both sites.

Overall the Tree Officer is critical of the scheme including the high number of trees that will be lost within the site due to the proposed development. The Tree Officer does acknowledge that the latest tree report with impact assessment (AIA) has been provided (Report No: IDV0032.AIA.02.) and appears accurate. The Tree Officer does consider that T8 Maple, T57 Beech and G11 Maple would fall under retention category 'A'. These trees are of high quality and value with a good life expectancy. In particular, T57 Beech is one of the best trees on the site and there does not appear to have been an attempt within the design to retain this high value tree. The AIA details 27 trees or groups requiring removal or partial removal to facilitate the development. This relates to at least 56 individual trees; 13 retention category 'B' and 44 category 'C'.

A proposed submitted Landscaping Plan (SWTC-HLM-00-00-DR-L-45101) and Planting Schedule (SWTC-HLM-00-00-SH-L-45102) details 41 new trees. This would provide some mitigation, however the Tree Officer has concerns that this would lead to a deficiency of approximately 23 trees from when viewed on a 1 for 1 basis.

Whilst this overall tree loss is regrettable, it is considered that the regeneration scheme offers significant wider economic benefits to the local area and the economic and retail uplift of Swinton Town Centre in particular.

On balance therefore, and when combined with the onsite replacement planting of 41 trees as well as the offsite financial contribution of £23,600 for replacement trees as part of the overall Section 106 contribution package this is considered to represent an overall community benefit to the wider area when considered across the scheme.

Drainage

Following the additional clarifications and amended drawings the Drainage Officer has indicated that the revised proposals has addressed some of the issues raised. However, this will require a condition to approve the detailed calculations. Subject to final detailed calculations which can be conditioned, the drainage aspect of the scheme is acceptable.

Affordable Housing and Viability

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

a) Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.

b) The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development: a. Sites of 15 dwellings or more shall provide 25% affordable homes on site...

A detailed viability appraisal was submitted by the applicant and this was assessed independently on behalf of the Local Planning Authority. This independent assessment concludes that the site can provide full contributions in accordance with Policy including delivery of 25% Affordable Housing. During the latest discussions it has been agreed to deliver Affordable Housing in accordance with Policy. However, it is also recognised that this scheme delivers community benefits in addition to the residential development.

In this instance the Civic Centre building and Library are currently the subject of ongoing anti-social behaviour. In addition, the facilities are outdated on one of the objectives of the Local Plan is to upgrade and improve Swinton town centre and its facilities. In recognition of those community benefits and improvements to the town centre it has been agreed to provide a split of provision of Affordable housing on site and through a commuted sum for off site delivery.

On this basis, an agreement has been reached with an offer of 12no. affordable units (25%) in total of which 8no. 2 bedroom houses would be provided on site and the equivalent financial contribution for 4no. 3 bedroom houses provided off site and the Section 106 Agreement therefore makes provision for this.

The commuted sum payment will be based on the actual sales values achieved of 4 specific plots identified in the S106 Agreement and payment will be made once those plots have been sold based on 60% of the difference between a baseline value and the actual sales as recorded by the land registry.

Overall therefore it is considered that the proposed provision of Affordable housing complies with Policy CS7 and the Affordable Housing/Viability SPD and the Council's Affordable Housing Officer is now satisfied that this would provide an adequate level of affordable provision.

Education

The Education Officer has confirmed that he is satisfied with the development subject to the education contribution which has been broken down as follows:

Affordable Housing £0

be 8 x 2 bedroom houses (8 x £2342 = -£18736)

4 x 3 bedroom houses (4 x £2342 = -£9368)

GAR House Type 3 bed 4 x £2342 = £9368

Oxford House Type 4 bed 4 x £2342 (plus 25% uplift) = £11710

F House Type 3 bed 5 x £2342 = £11710

F2 House Type 4 beds 3 x £2342 (plus 25% uplift) = £8782.50

E House Type 3 beds 14 x £2342 = £32788

D House Type 3 beds 6 x £2342 = £14052

P House Type 4 beds 1 x £2342 (plus 25% uplift) = £2927.50

H House Type 2 beds 11 x £2342 = £25762

F1 House Type 3 beds 1 x £2342 = £2342

TOTAL = £119,442 -£28104 (Affordable)

TOTAL = £91,338

Other Issues

Noise and Pollution Control

The Environmental Health section have acknowledged that the ecology report identifies some small areas of knotweed on the site. However, these are not in areas where any development is proposed. They would remain undisturbed.

The Council's Assets Team undertook an asbestos survey as part of this process for the site, and have identified some areas of asbestos in the pipe lagging. At this stage they can not undertake any more intrusive surveys. However, this will be controlled by separate legislation.

In light of the above there is potential disamenity from noise and dust from the demolition and clearance of the land, through to the development of the library and dwellings.

However subject to standard conditions, the Environmental Health section have raised no specific concerns on residential amenity issues.

Archaeology

In terms of archaeological potential, South Yorkshire Archaeology Service (SYAS) note that the pair of plots either side of Charnwood Street were

archaeological assessed by Wessex Archaeology, as part of the LDF sites review. They assessed these sites as having little or no archaeological potential. For this reason, SYAS does not consider that any further archaeological work is required.

9. Conclusion

Overall the principle of a re-development that mainly comprises of a residential led regeneration scheme of the northern part of Swinton Town Centre is acceptable in this location. Overall whilst there is a net loss in floorspace of the previous community facilities, the reduction in scale and replacement facility is considered to have been justified in policy terms.

There have been numerous revisions to the scheme including an improvement in the spacing standards and parking and layouts and the alterations to the design of the proposal are acceptable from a highway perspective.

The revisions have also addressed the internal and external spacing standards which now comply with minimum National Standards and SYRDG standards.

The drainage aspects have been addressed through the amendments and are now considered acceptable subject to conditions.

It is acknowledged that the scheme will result in an overall loss of tree cover, but subject to additional offsite contributions towards new planting, on balance this is considered to compensate for this loss.

The application is recommended for approval subject to conditions and the signing of the section 106 agreement.

Conditions

01

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

Reason

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

02

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

(Drawing numbers

Location plan SWTC-HLM-00-00-DR-A-00101 Rev P02

Revised site plan SWTC-HLM-00-00-DR-A-00001 Rev P04

SWTC-HLM-00-00-DR-L-00001 Rev P07
Landscape plans SWTC-HLM-00-00-DR-L-4510 P01
SWTC-HLM-00-00-DR-L-00001 Rev P03
SWTC-HLM-00-00-SH-L-45102 Rev P01
Soft Landscape Strategy SWTC-HLM-00-00-DR-L-45001 Rev P01
Civic Centre elevations SWTC -HLM -01 -00 -DR - A -00301 Rev P01
New Library elevations WTC -HLM -02 -00 -DR - A -00311 Rev P01
House types elevations and floor plans
Garragill 16/D45/38 Rev J
House type F
House type F1
House type E
House type D1
House type P
House type F2
House type Oxford
Street scene SWTC-HLM-00-00-DR-A-00310 Rev P01
Phasing Plan SWTC-HLM-00-00-DR-A-00000 P01'

(received 07/01/2021, 09/06/2021, 25/06/2021, 30/09/2021).

03

The approved scheme will come forward in two phases (a southern area known as phase 1, and a northern area known as Phase 2) as outlined on Drawing No SWTC-HLM-00-00-DR-A-00000 P01'

Reason

In order to allow for the separate commencement of development for each phase of the development.

04

No above ground development for each phase shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Local Plan Policies and the NPPF.

Highways

05

When the proposed site access for each phase has been brought into use, the existing access marked on the proposed site layout 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 interests of highway safety.

06

Before each phase of 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.

07

Before each phase of the development is commenced, excluding works of demolition, road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

08

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

Reason

In order to promote sustainable transport choices.

Construction

09

Following any demolition works and prior to the commencement of constructional works in each phase a Construction Method Statement shall be submitted to and approved in writing by the Council. The Construction Management Plan shall include:

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the demolition/construction work;
- the location of the site compound and staff parking;
- the location of the storage / loading / unloading of materials;
- measures to deal with dust;
- measures to deal with mud in the highway;

- details of proposed hours of demolition/construction on/deliveries to the site;
- details of the quality of soil and its movement and temporary storage during construction; and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

Hours of construction

10

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

Reason

In order to minimise disruption to neighbours and the surroundings during the construction phase of the development.

11

Prior to the first occupation of each phase a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwellings are occupied.

Reason

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

12

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

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

The scheme shall thereafter be implemented in accordance with the approved landscape scheme 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 and in accordance with the Local Plan.

13

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 and in accordance with the Local Plan.

Drainage

14

Above ground development or drainage works for each phase 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. 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 brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- 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.

15

Above ground development or drainage works for each phase 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. 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 brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- • 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.

Yorkshire Water

16

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

Reason

In the interest of satisfactory and sustainable drainage

17

There shall be no piped discharge of surface water from each phase of the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

18

No construction works in the relevant area(s) of the site shall for each phase 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 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.

19

Prior to the commencement of development for each phase, a Local Labour Agreement relating to the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scope of the Agreement shall be agreed in writing prior to submission of the formal document. The development shall thereafter be carried out in accordance with the approved Agreement.

Reason

To improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities, in accordance with Policy CS10 'Improving Skills and Employment Opportunities'

Electric Vehicle Charging Points

20

Before the electrical system is installed to each phase a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for each dwelling.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason

In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives Chapters 2, 9 and 15 of the National Planning Policy Framework.

Pollution Control

21

In the event that contamination is discovered, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either:

(a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or

(b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

22

Following completion of any measures identified in the approved Remediation Strategy a Validation Report for each phase shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

23

Prior to the occupation of the first residential unit in each phase, details of any external lighting to the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how the lighting meets the guidance provided by the Institute of Lighting Engineers in their document 'Guidance Notes for the Reduction of Light Pollution'. The approved lighting details shall be implemented unless otherwise approved in writing by the Local Authority.

Reason

To protect the amenity of the local residents from any unwanted light.

Demolition Statement

24

Prior to the commencement of demolition works the developer shall submit a written demolition statement for the approval of the Local Planning Authority detailing the means of identification, handling and disposal of any asbestos containing materials (ACM) found in the library. Work on site shall thereafter only be carried out in accordance with a contractor licensed by the Health and Safety Executive.

Reason

To protect the local amenity from any activities associated with the removal of asbestos containing materials (ACM).

Communication

25

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

Reason

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

Informatives

Yorkshire Water

1) The submitted drainage layout drawings 45619/001 revision A & 45619/002 revision A, both dated 27/05/2021 indicates a proposed surface water discharge rate for the entire site of 10 (ten) litres per second, whilst no evidence has been submitted to discount other means of surface water disposal and, as a last resort, existing positive connectivity to the public sewer network.

Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any

discharge to the public sewer network is permitted. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

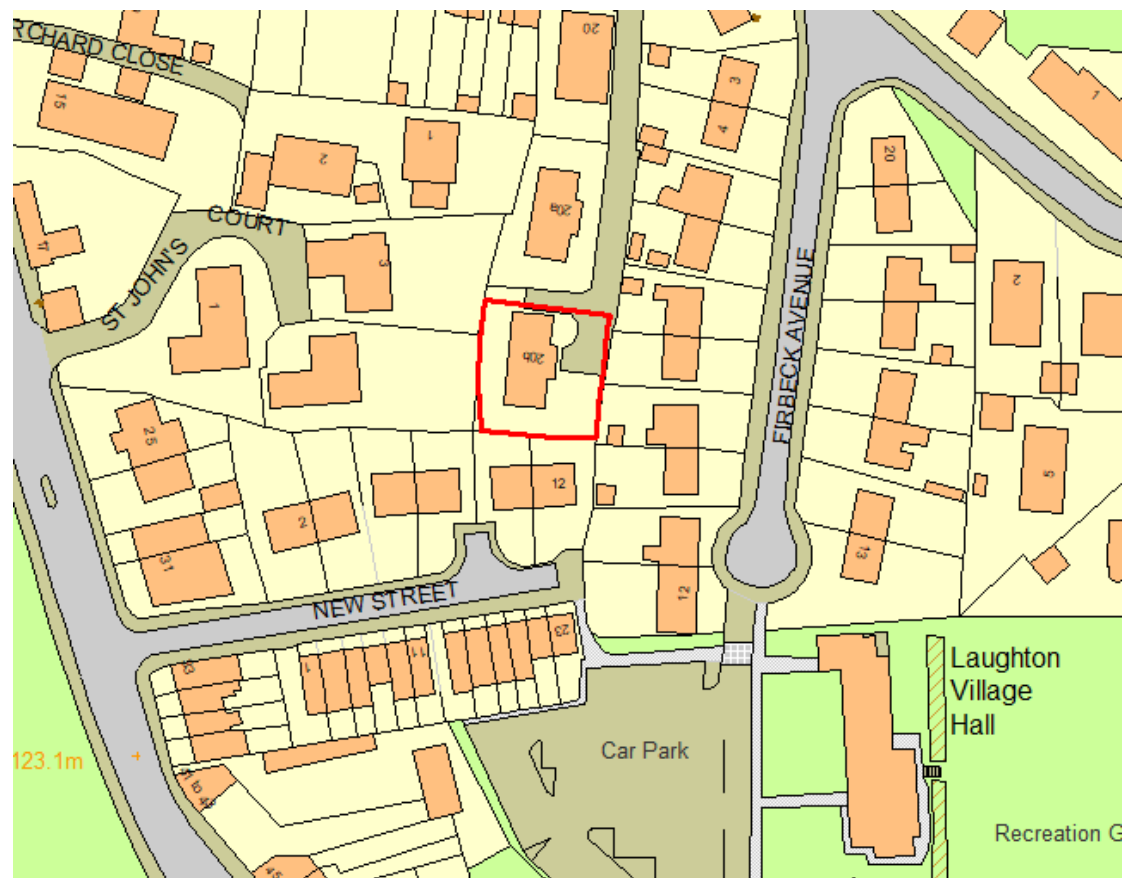
2) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

| | |
|------------------------------|--|
| Application Number | RB2021/0903 https://rotherham.planportal.co.uk/?id=RB2021/0903 |
| Proposal and Location | Detached garage at 20b Firbeck Avenue, Laughton en le Morthen |
| Recommendation | Grant Conditionally |

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



Site Description & Location

The property is a detached bungalow located towards the end of a private drive, which provides access to 2 dwellings which were built at the same time. The property is surrounded by semi-detached dwellings on Firbeck Avenue to the east and New Street to the south, and detached dwellings on St John's Court to the west.

The two bungalows recently approved in this location are at the rear of 20 Firbeck Lane and are accessed by a private drive.

Background

There have been several recent applications relating to the application site:

RB2019/0174 – Erection of 2 no. bungalows – Granted Conditionally – 10 May 2019

In this initial application for the two proposed bungalows there were two detached garages included. The planning officer at the time requested the garages were omitted from the scheme “to allow the properties to have larger gardens and also reduce the impact on properties”.

RB2019/1380 – Erection of 2 no. bungalows – Withdrawn – 11 November 2019

This was withdrawn after officers confirmed with the applicant that they could not support the revised proposals due to the fact that the applicant wanted to add dormer windows to the originally approved bungalows which would have resulted in overlooking of neighbouring gardens.

RB2020/0318 – Discharge of condition 3 (materials) imposed by RB2019/0174 – Granted – 3 March 2020

RB2020/0396 – Non-material amendment (NMA) to application RB2019/0174 to include removal of chimneys, replace approved stone with render to side elevation, and retain original ground levels – Refused – 23 March 2020

The NMA application was refused because it was considered that whilst the removal of the chimneys and change in materials was a NMA, the retention of the original ground levels needed to be fully assessed due to the fact that the ground level to ridge height of the dwellings would have been increased, as the original application proposed to raise land levels on the site.

RB2020/0567 – Erection of 2 no. bungalows – Granted Conditionally. The property was constructed under this planning approval which was a resubmission with changes to the original scheme approved under RB2019/0174.

The officer report of this scheme describes how the scheme: “proposes to retain the original sloping land level, rather than level it off as was previously proposed and approved under RB2019/0174. This has resulted in the internal

finished floor levels being the same as previously approved, but due to the original levels being retained more stonework and render would be exposed above ground level resulting in the external height of the properties being greater than the previous approval.”

Condition 7 of the permission states:

07

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

Reason

In order to assess the potential impact on the character of the area and amenity of neighbouring residents.

RB2021/2314 - Application to vary condition 2 (Land Levels) imposed by RB2020/0567 – Granted Conditionally. This application sought permission to retrospectively vary the approved site plan (RB2020/0567) to reflect the alteration to the land levels, by which the overall land levels to the South East corner of the site had been raised by a maximum of approximately 0.5m. No objections were received to this proposal.

Proposal

The application seeks full planning approval for a detached garage to the site at 20B Firbeck Lane. The garage is proposed to be sited close to the eastern boundary of the site.

The proposed single garage is to be 6.75m in length by 3.45m in width. It is 2.3m to the eaves and 3.65m in total in height. It is proposed to be constructed in render and stone with a grey Modern Marley tiled pitched roof to match the existing bungalow.

Following discussions with the applicant the proposed position of the garage has been set further back within the plot (approximately 2m) to reduce the visual impact upon the neighbour at No.8 Firbeck Avenue. The setting back of the garage will result in the loss of one Sycamore tree which is classed as a category C tree, with a multi stem and suppressed by ivy.

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):
CS28 'Sustainable Design'
SP32 'Green Infrastructure and Landscape'
SP55 'Design Principles'

Other Material Considerations

Supplementary Planning Document 4 (SPD4) 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 26 June 2020.

South Yorkshire Residential Design Guide.

National Planning Policy Framework: The revised NPPF 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".

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.

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 as originally proposed was advertised by way of individual neighbour notification letters to adjacent properties. In addition, further consultation on the amended plans has taken place.

Letters of representation have been received from 4 separate households/individuals, along with a letter of objection from Laughton-en-le-Morthen Parish Council whose objection was signed by two additional residents, making a total of 7 objectors. The objections from the residents can be summarised as follows:

- The garage was asked to be removed in the original submission for the scheme
- The site is already overdeveloped from neighbouring point of view
- Affecting neighbour's natural light
- The land levels have been raised to approximately 0.85m at their highest level above what was originally approved, and the garden of the neighbouring property is shorter than shown on the plans. This is

causing issues to the retaining wall to the neighbour's garden which may be exacerbated by a garage to the boundary.

- Invasive on the nearby gardens

The objection from Laughton-en-le-Morthen Parish Council is on the following grounds:

- The site of construction of the garage is on foundations that would appear to have been built up without sufficient support to protect neighbouring properties. Question whether the properties adjacent to this development have not been adversely affected by the work.
- It is the Parish Council's view that the garage would constitute overdevelopment of the site and, due to the increase in ground level, overshadow neighbouring properties.
- The length of the gardens of neighbouring properties are shorter than it would appear from the application – this would suggest that the 'Right to light' of neighbouring properties is likely to be significantly affected by the erection of a garage at the height proposed.

No further written comments have been received in respect of the revised plans, though the occupier of 8 Firbeck Avenue has verbally indicated that she is less concerned now that the garage has been moved further back on the plot.

Two requests to speak at the meeting have been received, from the Parish Council and the applicant.

Consultations

RMBC (Transportation Infrastructure Service): Raise no objections

RMBC (Trees & Woodlands): No objection to the felling of the tree, subject to the protective fencing being installed.

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 site is located within a Residential area as identified on the adopted Local Plan and as such the principle of the development is acceptable. The main issues to be considered in the determination of this application are:

- Over development of the site
- Design and appearance
- Residential amenity
- Impact upon trees
- Other comments raised by objectors

Over development of the site

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design.

Sites and Policies Document Policy 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." It adds that: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals (amongst others):

- a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development"

The Councils adopted SPD4 'Householder Design Guide' states: "Garages should generally be restricted to rear and side gardens where they may benefit from permitted development.

Garages that require permission should not be of an excessive size and height and the use of concrete sectional garages should be avoided in prominent locations visible from the public highway.

The Council will not be supportive of garages in front gardens unless it can be demonstrated that no harm to the street scene will occur."

The South Yorkshire Residential Design Guide recommends a minimum garden size of 60 square metres for a dwelling of this size.

It has been noted that the bungalows are on a reasonably tight plot, and that originally the dwellings were proposed to have garages which were then removed. In addition, under Condition 7 of planning permission RB2020/0567, Permitted Development Rights were removed. This condition would have been in place to prevent over development of the site. However, in this instance the proposed single garage with a pitched roof is seen to be modest in size and appropriately ancillary to the dwelling. It would still provide a garden area of approximately 60sqm, which complies with the requirements of the South Yorkshire Residential Design Guide.

As the garage is modest and ancillary and to the side of the dwelling it complies with the requirements of the Householder Design Guide. Having assessed the existing site situation it is felt that the additional garage as proposed would not create an over development to the site.

Design and appearance

With regard to the proposed materials, the existing property is constructed in stone, with a tiled pitched/gabled roof. The application proposes the garage to be in matching stone and partial render with a grey Modern Marley tiled roof to match the existing bungalow. These matching materials are in keeping with the appearance of the site as a whole.

Taking all of the above into consideration it is considered that the proposal is acceptable in design terms and would comply with the Council's adopted Policies and design guidance.

Residential amenity

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

Local Plan Policy SP55 notes that Development proposals will be required to demonstrate that they have appropriately taken account of and mitigated against any site constraints which may have a detrimental impact upon amenity, including privacy, direct sunlight or daylight.

It is noted that there is an approximate 0.85m difference in height between the application site and the ground level behind the 'hot tub area' within the rear garden of 8 Firbeck Avenue. However, this part of the neighbour's garden is lower than the rest of the garden, and always has been, such that the difference in ground levels between the main garden area and the application site is only approximately 0.5m, as approved under the recent planning permission to alter the approved levels on the application site RB2021/2314.

The garage will be set approximately 10m off the rear elevations of 8 & 9 Firbeck Avenue, with the majority of the garage as now proposed predominantly covering the rear garden of No.9. The difference in ground levels between the rear garden of No. 9 and the application site are less than that at No. 8, being a maximum of approximately 0.5m. At 2.3m to eaves the garage is not excessive and the main mass will be obscured by the existing fence and recently planted hedge. The new roof will slope away from the boundary reducing any sense of overbearing and any limited loss of light to the bottom of the rear garden. Such a garage is not an unusual feature within a rear garden context and such an impact is considered acceptable.

Taking all of the above into account the proposal is considered to comply with both national and local policies and guidance in terms of the potential impact on neighbouring residents.

Impact upon trees

Local Plan Policy SP32 'Green Infrastructure and Landscape' states that: "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 and to meeting needs of future occupants and users."

The proposal will result in the loss of one Sycamore tree which is classed as a category C tree, with a multi stem and suppressed by ivy. The loss of this tree is not considered harmful to the character of the area and an adjacent tree to the rear of it is to be retained, with the area in general well served by mature trees. A condition has been attached to ensure protective fencing is provide for the retained tree to ensure that this tree is not harmed during the construction process. In addition, the neighbour at No.9 Firbeck Avenue has indicated that he wants the tree removed, due to it poor condition ,overshadowing of his garden, and dropping leaves etc.

The Council's Tree Officer considers that the loss of the tree is acceptable and that replacement planting is not required.

Other comments raised by objectors

The Parish Council has raised concerns that the gardens are shorter than would appear on the plan and that the garage would impact upon the neighbour's "Right to Light".

In the first instance, the submitted plans are accurate and the length of the adjacent gardens has been considered in the determination. In terms of the "Right to Light" this is a civil matter and is separate from daylight and sunlight impacts as considered by the Council. This low single garage is not considered to result in an undue loss of light to neighbouring residents.

Finally, a comment has been submitted that the erection of the garage on top of the raised ground levels could result in stability issues, ultimately impacting on the neighbouring properties. The amended scheme results in the garage being set further back, on land that has not been significantly raised. Furthermore the garage is to be single storey only and as such will not cause significant soil compaction.

Conclusion

In conclusion and having regard to the above it is considered that the proposed garage achieves an acceptable design in relation to the location and would not result in an unacceptable impact on neighbouring amenity and

would comply with the Council's Policy and Guidance. Whilst the proposal will result in the loss of a single tree, the tree is in a poor condition and its loss is mitigated by surrounding mature landscaping. The application is recommended for approval subject to the conditions set out below.

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. Condition number 04 (tree protection measures) of this permission require matters to be approved before development works begin; however, in this instance the condition is 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 conditioned number 04 are fundamental to the acceptability of the development and the nature of the further information required to satisfy this condition is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

01

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

Reason

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

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):

(Amended site plan) (Received 16-06-2022)

(Proposed elevations) (Received 21/05/2021)

Reason

To define the permission and for the avoidance of doubt.

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. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

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 to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity.

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|--|
| Application Number | RB2021/2054 https://rotherham.planportal.co.uk/?id=RB2021/2054 |
| Proposal and Location | Reserved matters application (details of landscaping, scale, external appearance and layout) for the erection of 70 dwellinghouses (reserved by outline R2019/1891) on land East of Brecks Lane, rear of Belcourt Road, Brecks |
| Recommendation | Grant Conditionally |

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

Site Description & Location



The site comprises of land that lies on the eastern side of Brecks Lane in Brecks. This is currently a field that has not previously been developed and was last used for agriculture. The central area of the site has no trees, hedges and wildlife habitat for the most part due to the previous/existing agricultural use. There are mature hedgerows along all four boundaries to the site as well as some trees at the southern area of the site.

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

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

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

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

The site directly abuts existing green belt to the north.

Background

This application follows on from an earlier outline permission for the erection of up to 70 residential units which was approved under RB2019/1891.

The site does not have any earlier relevant planning history.

Environmental Impact Assessment

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

Community Infrastructure Levy

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

Proposal

This is a reserved matters planning application for a new residential development. The principle of the development including the access have previously been approved in the 2019 outline application.

This application seeks to consider all other aspects of the proposal including the appearance, landscaping, layout and scale.

The site layout shows a development of 70 new dwellings accessed from a single point of access from Brecks Lane to the west. The number of dwellings and proposed access is consistent with the earlier outline approval.

During the determination of the application various amendments to the plans have been submitted and these can be summarised as follows:

- Removal of a central walkway.
- Increase in Public Open Space to a single block of POS which can now accommodate a footpath, seating area and a small area of the

adventure style play equipment as specified on the Detailed Landscape Plan.

- The improved POS can accommodate the required Surface Water attenuation system which caters for a 1 in 1year, 1 in 30 year and a 1 in 100 year flood event.
- Improvement in spacing standards to the units to achieve minimum requirements.
- Alterations in the landscaping plans to improve the landscape mix to the existing boundaries as well as across the site.
- The provision of a larger useable public amenity area in the western section of the site.
- Amended Affordable Housing mix which now reflects a full 25% as requested by the Affordable Housing Officer and accords with planning policy. The total number of affordable housing units is 18 plots including a 2 bedroom bungalow.

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

Design & Access Statement

This includes illustration and details how the development proposals have been formulated, what has influenced the design and layout of the site and how the various development constraints have been dealt with. Revised plans and commentary have been presented in the supporting documents.

The constraints to the development of the site are:-

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

The opportunities for the development are

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

Transport Assessment

The previously submitted Transport Assessment was submitted in support of the outline application and is summarised again below for clarity:

- *At the southern boundary of the proposed development Brecks Lane is subject to a 30mph speed limit, reverting to the national speed limit approximately 20m to the north of the southern site boundary.*

- *There is street lighting on both sides of Brecks Lane to the south of the site, with no parking restrictions in place.*
- *Brecks Lane has an overall highway width of approximately 6.5 metres, comprising a 4.5m wide carriageway bounded by 1m wide verges on either side.*
- *The volume and speeds of traffic along Brecks Lane was obtained through the installation of an Automatic Traffic Counter (ATC) on Brecks Lane for a 7-day period commencing Wednesday 16 September 2015. The results indicate that the typical two-way traffic flows on this route are in the region of 1,000 vehicles a day.*
- *During the typical weekday peak hour periods (8am to 9am and 5pm to 6pm) two-way traffic flows along the route are approximately 100 vehicles. It can therefore be seen that the route is lightly trafficked.*
- *It is proposed that the development would be served from a new simple priority T-junction onto Brecks Lane. The access route will comprise a 5.5m wide carriageway bounded by 2m wide footways and 6m wide junction radii.*
- *In accordance with the recorded 85th percentile vehicle speeds along Brecks Lane, visibility splays of 59m from a 2.4m minor road setback distance will be provided onto Brecks Lane.*
- *A new 2m wide footway will also be provided on the east side of Brecks Lane to the south of the proposed site access to link with the existing footway to the north of Belcourt Road.*
- *It is also proposed that the existing 30mph speed limit will be extended northwards approximately 100m and a 'village gateway' feature provided on Brecks Lane comprising enhanced 30mph road signs, 30mph speed roundel road markings and dragons' teeth road markings.*
- *Off-street car parking for the proposed development will be provided in accordance with RMBC maximum parking standards of one space per one or two bedroom dwelling and two spaces per three or four bedroom dwelling.*
- *The location of the site is such that existing sustainable travel opportunities are reasonable with local educational, retail and recreational facilities being within a reasonable walk/cycle distance of the proposed development.*
- *The highway network is such that local journeys within the Brecks area should be undertaken on foot or by cycle.*
- *Bus stops are located within an easy walking distance of the proposed development with high frequency bus services available to Rotherham. It is therefore considered that, whilst the site is not directly served, or adjacent to, local bus services, the quality of service and level of frequency of service available locally would make travel by bus a reasonable alternative to the private car, particularly for trips to/from Rotherham*
- *It is considered that the proposed development would not result in an unacceptable impact on highway safety nor result in a severe residual cumulative impact on the road network.*

Ecological Appraisal

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

Landscape and Visual Appraisal

- Development of the proposals at the site were informed by analysis and recommendations set out within an initial preliminary Landscape and Visual Appraisal carried out for the development site. This included mitigation measures incorporated into the scheme to avoid or reduce adverse effects.
- Mitigation measures incorporated into the scheme design of relevance to landscape and visual amenity include:
 - Retention of the trees and hedgerows on the site's northern, eastern and southern boundaries of the site, and beyond site access road works on the site's western boundary to maintain as much of the existing landscape framework and mature landscape features as possible;
 - Provision of supplementary planting (to include native tree and shrub planting) along the northern boundary of the site to

strengthen the development's tree and hedgerow feature along this boundary and integration of the development within the adjacent and wider agricultural landscape;

- Provision of primary amenity and open green space within the north western extent of the site and a hedgerow feature along the site's boundary with Brecks Lane and site access road approach, providing visual and landscape amenity benefits for users of the site and wider area, as well as assisting with integration of the development within the wider landscape including that of the adjacent public park at Herringthorpe Wood.

Flood Risk and Drainage

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

Archaeological and trial trenching

- A geophysical survey of the Proposed Development Area was carried out in November 2018 and the instrument chosen was a Bartington Grad 601 dual sensor fluxgate gradiometer.
- In conjunction with SYAS a total of 16 trial trenches were carried out between 26th March and 3rd May 2022.
- The trenches measured 20m by 2m and two trenches that measured 15m by 2m. The trenches were positioned to target potential archaeological anomalies identified during the previous geophysical survey as well as to provide a wide sample across the remaining areas of the site.
- Archaeological evaluation by geophysical survey and subsequent trial trenching has confirmed the presence of an enclosure, likely of Roman or prehistoric origin, in areas towards the south and west of the site.
- No finds were recovered from any of the excavated features, however the environmental samples did recover some sporadic material.
- As indicated in earlier evidence there are no known heritage assets within the proposed development area. There are no high importance assets within the vicinity of the proposed development area. There are

no Listed Buildings in the vicinity, nor likely impact on any other heritage assets in the vicinity of the proposed development area.

- The proposed development area has been disturbed by successive ploughing, most likely, over several hundreds of years. The proposed development area now lies immediately to the north of residential housing.
- All sources of evidence presented here lead to conclude that the development of the proposed area is likely to have a negligible impact on the historic landscape.

Land Contamination Desktop Study

- Historically the land has been used for agricultural purposes with no obvious development having taken place.
- A phase II ground investigation is recommended to determine more accurately the effect of the identified hazards of the development. Initially this should include:
- Overall the Phase I Site Appraisal has shown the site is suitable for the proposed development, subject to conditions.

Tree Survey

- An updated tree survey of the site in accordance with BS5837:2012 was carried out on 22nd June 2021. This was an updated survey to the original one carried out in June 2019 by BB Trees Ltd.
- Trees included within this survey comprised of 15 individual trees and 13 tree groups. The individual trees and tree groups are as follows:
 - One individual tree was classified as BS5837:2012 Category A;
 - One tree group was classified as BS5837:2012 Category A;
 - Seven individual trees were classified as BS5837:2012 Category B;
 - Four tree groups were classified as BS5837:2012 Category B;
 - Six individual trees were classified as BS5837:2012 Category C;
 - Eight tree groups were classified as BS5837:2012 Category C; and
 - One individual tree was classified as BS5837:2012 Category U.
- T15 has been classified as a Category U tree as it is dead and so removal of the tree will be required prior to construction.
- One section of G13 will require removal to facilitate the construction of the access road and junction to the development from Brecks Lane. This is a group of Category C hedgerow trees with limited species mix.
- The proposed planting scheme will provide new trees across the site. This will improve the Site's future canopy cover with the associated long term benefits of trees.

Affordable Housing Statement

The 25% affordable mix is now as follows:

- 1No. Levisham (2 bed bungalow)
- 9No. Askern (2 bed town house / semi)
- 7No. Bail don (3 bed semi)
- 1No. Saltaire (4bed semi)
- 18No. Total

Development Plan Allocation and Policy

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

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

Local Plan Policies

CS1 Delivering Rotherham's Spatial Strategy
CS3 Location of New Development
CS6 Meeting the Housing Requirement
CS7 Housing Mix and Affordability
CS14 Accessible places and Managing Demand for Travel
CS20 Biodiversity and Geodiversity
CS25 Dealing with Flood Risk
CS21 Landscape

SP1 Sites Allocated for Development
SP11 Development in Residential Areas
SP26 Sustainable Transport for Development
SP32 Green Infrastructure and Landscape
SP37 New and Improvements to Existing Green Space
SP47 Understanding and Managing Flood Risk and Drainage
SP52 Pollution Control
SP55 Design Principles

Other Material Considerations

South Yorkshire Residential Design Guide.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched. The NPPG was most recently update in July 2021.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and was updated in July 2021. The NPPF replaces all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework

(the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

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

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to directly adjacent properties. 40 no. letters of representations have been received and these can be summarised as follows:

- There is not enough infrastructure or support for 70 new houses in this location.
- Significant increase in the level of traffic.
- The traffic analysis data for one week is insufficient.
- The Transport Statement is flawed as this does not take into account the steepness of the surrounding highway network, particularly along Brecks Lane. Eg the this will encourage more people to use cars.
- Increased congestion, particularly at the roundabout at East Bawtry Road.
- Loss of view from existing properties, particularly where properties will face onto gable sides of new plots.
- Loss of privacy to existing properties.
- There have been deer sightings in the field.
- Detrimental impact on wildlife.
- Increase in flood risk.
- Lack of infrastructure in the surrounding area including difficulties in obtaining doctors appointments and securing school places.
- Increased demand on nearby school places, especially Listerdale.
- There will be the potential for householders to lose land as there would be a pathway created along the eastern side of Brecks Lane.
- Not enough consultation or notification has taken place.
- The proposal will involve a long period of disruption and noise during construction which may be up to 2 years.
- Unauthorised Heras Fencing has been erected along the boundary to properties along Belcourt Road and this has both prevented maintenance of boundary hedges, as well as causing disruption to wildlife, particularly birds.
- The number of wildlife in gardens appears to have reduced this year, especially hedgehogs.

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

Consultations

RMBC

Transportation Infrastructure Service – no objections to the revised layout subject to the imposition of conditions, S278 works and the previously approved S106 agreement

Drainage – no objections subject to conditions

Ecologist – no objections subject to conditions

Environmental Health – no objections subject to conditions

Land Contamination – no objections subject to conditions

Affordable Housing Officer – no objections subject to 25% of Affordable Housing secured on site

Landscape Design – overall no objections to amended plans

Tree Service Manager – no objections subject to conditions

Air Quality – no objections

Leisure and Green Spaces Manager – overall no objections

External

Yorkshire Water – no objections subject to conditions

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

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

Appraisal

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

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

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

The main considerations in the determination of the application are:

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

Principle of development

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

This reserved matters application follows on from the earlier outline approval which was approved in July 2020 (application RB2019/18) and therefore the principle of a residential development for 70 units is acceptable in land use terms.

Layout, Design and appearance

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

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."

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

The proposals previously showed an indicative layout at outline stage where the numbers of units proposed was up to 70. This has subsequently been clarified at the detailed stage to show the positions and spacing standards of the units with an amended road layout. This number has been finalised at 70 units and it is considered that the site layout can demonstrate an acceptable balance between efficient land use of the site, whilst safeguarding spacing standards and outside amenity areas.

From a landscaping perspective, the layout is considered to indicate an acceptable mix of hard and soft landscaped areas with green buffers to of all the external site boundaries.

The design of the Green Belt / rural interface along with linkages between the site and offsite destinations along with a strong landscape framework is considered to be one of the key features in this application and limits the impact of the development on the rural landscape. Furthermore, then viewed from the open Green Belt the development will be seen against the backdrop of the existing dwellings with considerable areas of landscaping around the site boundaries.

The removal of the originally proposed central pathway allows for an improved landscaped area within the main area of Public Open Space. The Landscape Officer has indicated that the central pathway and he is supportive of the revised proposals.

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

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

a) Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.

b) The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development: a. Sites of 15 dwellings or more shall provide 25% affordable homes on site..."

The proposed residential units comprise of a mixture of detached and semi-detached residential properties with one single storey bungalow now submitted. The majority of the surrounding residential areas are of a traditional design with a maximum of two storeys in height and the plans show a maximum scale of two storeys in height across the site. This is considered appropriate as the site is located adjacent to existing properties and the Green Belt.

With regard to the impact of the proposal on the amenity of future residents of this development, it is noted that the National Standards for internal spacing provides minimum standards for internal spaces which includes 70sqm for 2 bed properties and 84sqm for 3 bed properties. All of the proposed 70 properties adhere to these space standards and each dwelling has a private rear garden that meets the minimum recommendations.

It is noted that a significant number of the objections received highlight overlooking and privacy issues, and this is particularly the case for a number of the properties along Belcourt Road. However, the revised layout plan indicates that all plots now have minimum outlooks of at least 10m between the different plots and to any adjacent sites, along with a minimum distance of 21m from first floor to first floor windows. This meets the standards set in the SYRDG and is considered a sufficient distance to have an acceptable relationship with neighbouring residential properties. It is also noted that the spacing of the proposed southern plots have broadly been improved since the original layout submission.

Other objections have also raised concerns that the landscape buffer based along the northern side of the site, should be relocated to the southern side in order for existing residents to gain more benefit from this. However, when viewed against the wider biodiversity gain it is considered preferable to locate this along the northern side of the development where it is considered this is more likely to have a larger biodiversity benefit when positioned directly adjacent the Green Belt boundary.

Having regard to all of the above and on balance, it is considered that the revised layout and design of the proposed dwellings would conform with the advice guidance set out in the SYRDG, Local Plan Policy SP55 'Design Principles', Housing mix policy CS7 'Housing Mix and Affordability' SP32 'Green Infrastructure and Landscape' and paragraph 126 of the NPPF.

Highway Safety and Transportation Issues

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

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

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

- a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*
- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;*
- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access."*

The NPPF further notes at paragraph 104: *"Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued..."*

The principle of the development and the access has already been approved under the earlier outline permission. In general, the site has reasonable access to public transport and local facilities, with the A631 being located approximately 400m to the south of the site. The site is also within an established residential area.

The Transportation Unit have assessed the application along with the revised plans and all supporting documents in terms of the internal access arrangements, layout of the development and parking arrangements.

A revised site layout now has now addressed the previous concerns raised by the Transportation Officer. In order to comply with the Council's minimum car parking standards 7 No plots require the garages to be included as a bay. Accordingly, a condition has been included within the recommendation to remove permitted development rights from the 5 no Bedroom dwellings at plots 7, 9, 12, 13, 45, 60 and 61. This will ensure that adequate car parking is provided for these properties.

The scheme has been designed to a 20 mph speed limit, this will require a Traffic Regulation Order and the applicant has confirmed that they will fund

the works involved. A Section 278 legal agreement between the developers and the Council will be required for the works within the public highway on the site frontage. The measures are required to be implemented prior to first occupation of any dwellings.

It should be noted that the widening works should widen into the site and not reduce the verge on the opposite side of Brecks Lane.

Taking all of the above into consideration, it is considered that this application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide and car parking accords with the Council's Standards. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14 and SP26 and guidance within the NPPF, subject to conditions, the S278 agreement as well as the agreed S106 details on the outline permission.

Ecology Issues

Policy SP 33 'Conserving and Enhancing the Natural Environment' indicates that...*"Development should conserve and enhance existing and create new features of biodiversity and geodiversity value.*

Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures."

The Council's Ecologist has confirmed that the site is not within a bat zone and does not consider a bat survey to be necessary. A pre-development badger survey should be undertaken given that it is possible for a badger use to change over time and a condition is recommended accordingly.

The main part of the site comprises a field which appears to have been used for pasture in the past. There are hedgerows on the northern, eastern and southern boundaries with a narrower, discontinuous hedge to the west. The hedges provide some ecological value and the Ecologist would like to see these retained and enhanced, where possible. This is included within the proposed site layout along with enhancements in the form of additional open space and buffer areas within the site.

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

Trees issues

Policy SP32 'Green Infrastructure and Landscape' indicates that *"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 and to meeting needs of future occupants and users.”

The Tree Officer has raised no objection to the proposed development as it will have only a relatively small effect on the existing trees and hedgerows and the revised plans show an overall increase the level of tree cover on this site.

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

Whilst the number of proposed trees is largely adequate, it appears that the majority will be located in rear gardens, which will limit the amenity they provide the local area and also leave them vulnerable to removal from the future residents. However, it is considered that this would still represent an improvement overall in the level of tree coverage and is considered that there are no objections on this aspect, subject to the approved tree and landscape condition.

Landscape and Public Open Space

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

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

Some of the landscaping issues have previously been discussed in the layout and design in the paragraphs above. In terms of the Public Open Space the layout shows a large green space in the north west corner of the development which is welcomed as it provides a buffer with the road, as well as an on site amenity area. The construction of 70 units within this development requires the provision of 3850sqm of new green spaces at a ratio of 55sqm per unit as per policy SP37 ‘New and Improvements to Existing Green Space’. The supporting information indicates that the space proposed will be approximately 3900 if just taking the north western area and in excess of 5500sqm when the whole of the buffer area to the north is included. The Greenspace and Landscape Teams have indicated that they are of the view that the development is compliant with policy SP37 in this respect.

As indicated on the outline application the Greenspace Team has indicated that a new equipped play area on the Public Open Space would address the requirements under SP 37 ‘New and Improvements to Existing Green Space’. The applicant has agreed to this. Greenspaces have also indicated that it is

unlikely that the Council will adopt any new green space or play area and they will need to make alternative provision for the ongoing inspections and maintenance of these provisions. This has previously been included within the signed Section 106 Agreement and does not therefore require a further condition.

The details of the equipped play area has been shown on the layout plan and this has also been the subject of a S106 agreement. It is considered that there is adequate provision of on site open space and play equipment for use by the local residents/community.

As indicated in the design paragraphs above an acceptable landscaping scheme has been incorporated within the approved layout plan and this has been included within the recommended conditions.

Flood Risk and drainage

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

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

"Proposals will be supported which:

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

Policy CS25 "Dealing with Flood Risk" states, in part, that: *"Proposals will be supported which ensure that new development is not subject to unacceptable*

levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall."

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

"The Council will expect proposals to:

- a) demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;*
- b) control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) inappropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and*
- c) consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties."*

With regards to the surface water attenuation basin, the applicant has looked into various options such as having 2 separate ponds at differing levels to cater for each storm event but this approach required a larger land take area to facilitate both ponds. The site layout shows a single pond solution which is all at the same

level. The surface water from the site will enter the basin via 2no. outfalls from the site. it is understood that for the vast majority of the time when it rains there will just be a trickle from each outfall into the basin which would create a relatively small wet area of ground in the vicinity of the outfalls.

The calculations indicate that the basin will only start to fill up during the 1, 30 and 100 year flood events so for example, during the 1 year event, there may be an inch or two of water in the whole pond, during the 30 year event, there may be around 200-300mm and in the 100 year event, the pond will be getting full. Once the pond starts filling during these events, the water will drain from the pond into the SW sewer network via a hydro-break into Brecks Lane so even when the basin fills up, it will then empty again fairly quickly once the rain stops.

It is not intended to fenced off the potential drainage area which for the majority of the year is not anticipated to have water within it and this an area that can then form part of the open space.

Overall RMBC's Drainage Team have raised no objections to the proposals from a flood risk perspective, subject to final conditions.

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

Noise Issues

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

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

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

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.*
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.*
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.*
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.*
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals."*

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

Affordable Housing and additional Planning Obligations

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

- a) Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the*

market, in order to meet the present and future needs of all members of the community.

b) The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development: a. Sites of 15 dwellings or more shall provide 25% affordable homes on site...

The developer has confirmed that 25% of the units proposed on site will be affordable with a total of 18 units proposed (25.7% of the site total). The tenure and unit types have subsequently been confirmed. This is summarised as follows

Lavisham = 61.1sq.m

Askern = 70.2sq.m

Baildon = 90.4sq.m

Saltaire = 101.0sq.m

Education

The previously confirmed financial contribution for future education provision is still valid. This was for an education contribution to Wickersley Sports College because it is over subscribed. This has been calculated as follows:

Affordable Housing properties 18 = £0

Open Market

2-3 bed properties 7 x £2,521 = £17,647

4-5 bed properties 45 x £2,521 (plus 25% uplift) = £141,806.25

TOTAL = £159,453.25

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

These matters are both secured as a part of the Section 106 Agreement within the original outline approval.

Other issues

The South Yorkshire Archaeology Service (SYAS) have reviewed the original desk-based assessment (DBA) and Written Scheme of Investigation (WSI) submitted with this application. SYAS note that they can confirm approval of the amended WSI. This programme of work, including any subsequent mitigation, if deemed necessary, will need completing before the archaeological condition can be finally discharged.

Conclusion

The principle of residential development on this allocated site (H33) has previously been approved under the earlier outline application RB2019/1891.

The revised layout and design details submitted are considered to provide an acceptable compromise between achieving a moderately high density of housing, whilst providing sufficient Public Open Space within the site and adequate separation distances to prevent a material impact on residential

amenity of both existing and new residents. It is considered that 70 dwellings can be achieved on the site in the layout proposed.

The proposed access was approved as a part of the outline application and the internal access and level of parking is appropriate..

Overall the proposal is recommended for approval, subject to final conditions as well as the original signed S106 agreement.

Conditions

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) and in accordance with all approved documents:

Colour Site Layout – 4186/201 Revision C

Materials Layout – 4186/203 Revision B

Boundary Treatment Plan – 4186/204 Revision A

Visibility / Dimensions Layout – Revision A

Storey Heights Layout – 4186/201 Revision A

Design & Access Statement – Revision B

Detailed Landscape Layout – 3829/1 Revision D

Elevations and floorplans:

Levesham AV22/LEV/0-001, 002 Rev B

Askern AV22/ASK/0-001, 002 Rev B

Baildon AV22/BAI/0-001, 002

Saltaire AV22/SAL/0-001, 002 Rev C

Leyburn AV22/LEV/0-001, 002 Rev C

Cadeby AV22/CAD/0-001, 002 Rev A

Oakwood AV22/OAK/0-001, 002 Rev A

Wentbridge AV22/WEN/0-001, 002 Rev A

Horbury AV22/HOR/0-001, 002 Rev A

Thornton AV22/THO/0-001, 002 Rev A

Darley AV22/DAR/0-001, 002 Rev A

Bilborough AV22/BIL/0-001, 002 Rev A

Reason

To define the permission and for the avoidance of doubt.

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 materials specification form (Materials Layout – 4186/203 Revision B,

Boundary Treatment Plan – 4186/204 Revision A, Design & Access Statement – Revision B).

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Local Plan Policies and the NPPF.

Removal of Permitted Development Rights

03

Garages at plots 7, 9, 12, 13, 45, 60 and 61 shall be kept available for the parking of motor vehicles at all times.

Reason

In order for the scheme to comply with recommended parking standards.

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

Reason

In order to encourage sustainable modes of transport.

06

Prior to the commencement of works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Construction Management Plan shall include:

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the demolition/construction work;
- the location of the site compound and staff parking;

- the location of the storage / loading / unloading of materials;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of demolition/construction on/deliveries to the site;
- details of the quality of soil and its movement and temporary storage during construction; and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

07

Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for each dwelling.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason

In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives Chapters 2, 9 and 15 of the National Planning Policy Framework.

Communication

08

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.

Landscaping

09

Landscaping of the site as shown on the approved scheme (drawing no. 3829/1 Rev D, boundary treatments revision A) shall be carried out during the first available planting season after commencement 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 and in accordance with Local Plan Policies.

Yorkshire Water

10

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

Reason

In the interest of satisfactory and sustainable drainage.

11

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason

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

Hours of construction

12

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

Reason

In the interests of residential amenity of nearby properties.

Archaeology

13

The development shall be carried out in accordance with approved archaeological

Evaluation details (ref WYAS Trial Trench Evaluation Report no. 3776 June 2022).

Reason

To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains

exists to help determine any reserved matters.

Ecology

14

Prior to the occupation of the first residential unit a final biodiversity improvement scheme (bird and bat boxes, hedgehog 'cut-outs' and enhancement of the drainage ditch) as specified within the revised Design and Access Statement) shall be submitted to and approved by the Local Planning Authority. The application shall then be carried out in accordance with the approved biodiversity improvement works.

Reason

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

15

Prior to the commencement of development a final pre-development badger survey shall be carried out and the findings submitted to the Local Planning Authority. The development shall then be carried out in accordance with the approved details within a timeframe to be agreed with the Local Planning Authority.

Reason

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

Trees

16

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

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

- • Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837*, with tree works proposals. All trees must be
 - plotted on a scaled site plan**, clearly and accurately depicting trunk locations, root protection areas and canopy spreads. *(Provided)*
 - • A plan** detailing all trees and hedgerows planned for retention and removal.
 - • A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
 - • Soil assessments/survey
 - • Timing and phasing of works
 - • Site specific demolition and hard surface removal specifications
 - • Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
 - • Access arrangements and car parking
 - • Level changes
 - • Landscaping proposals
 - • A Tree protection plan** in accordance with BS5837* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
 - • Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
 - • Details of the arboricultural supervision schedule.

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

*Using the most recent revision the of the Standard

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

Reason

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

Informatives

01

Electric Vehicle Charging Points – Footnote

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Police ALO

02

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

Lighting

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

03

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.

Management plan

As part of the S106 the applicant is required to submit a detailed management plan for final approval by the local planning authority to demonstrate how the Public Open Space areas within the site will be managed and maintained by the applicant or management company in the long term.

Ecology

04

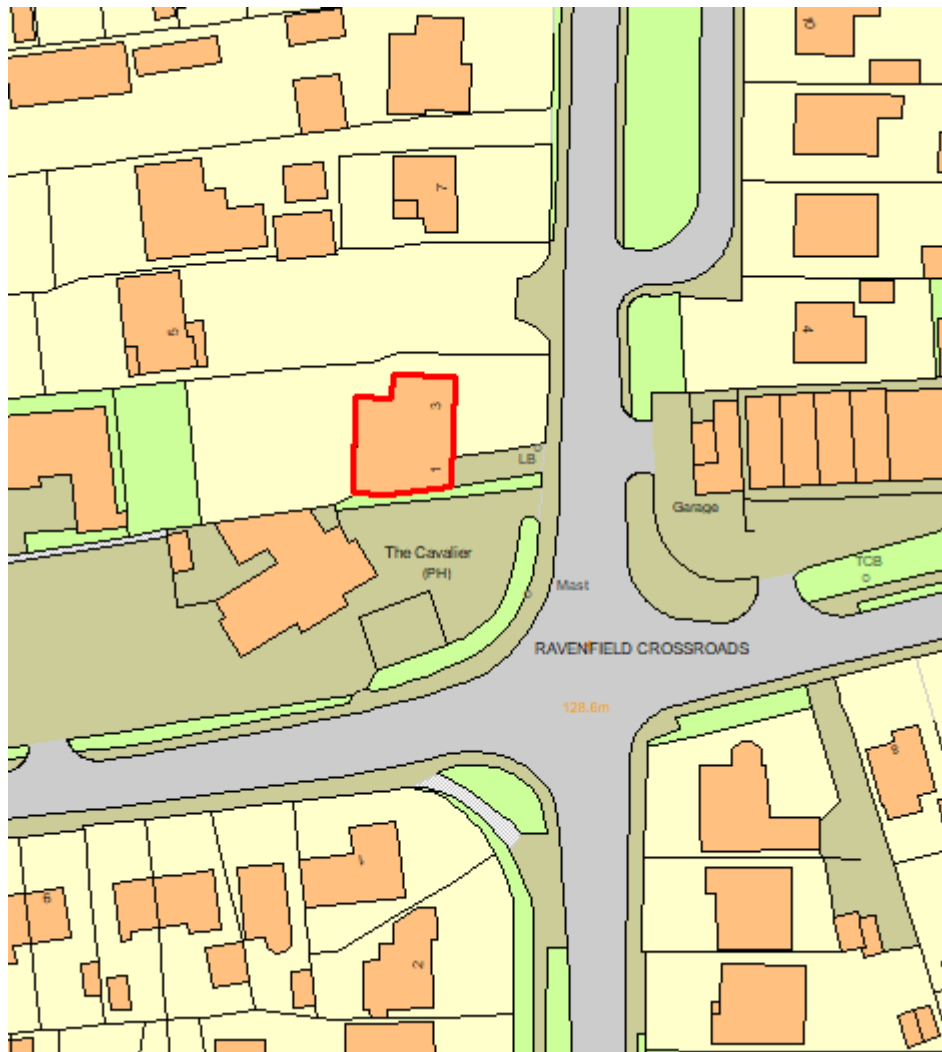
No vegetation clearance shall take place outside of the bird breeding season (February until August) and it is recommended that vegetation works (tree or hedge cutting) or site clearance should be done outside of the nesting season.

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|--|
| Application Number | RB2022/0502 https://rotherham.planportal.co.uk/?id=RB2022/0502 |
| Proposal and Location | Use of dwelling (use class C3) as a children's home for 1 child (use class C2) at 3 Raven House Moor Lane North Ravenfield |
| Recommendation | Grant Conditionally |

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



Site Description & Location

The application site is one part of a pair of a semi detached single storey dwelling. It has a gated vehicular entrance off the main road, Moor Lane North with a front and rear garden. There are residential properties to the north and west of the site with The Cavalier public house to the south and a car repair garage opposite.

Background

The most recent applications are as follows –

RB2021/1013 - Erection of 1 No. dormer bungalow, partial demolition of No.3 Moor Lane North and changes to front driveway and parking layout land to the rear of 1-3 Moor Lane North – Refused 30-09-21 – Appeal dismissed 26-05-22

RB2021/0790 – Conversion of existing bungalow to 2 bungalows at 1-3 Moor Lane North – granted conditionally - 18-05-21

RB2018/1483 - Change of use to residential dwelling (use class C3) at 1-3 Moor Lane North – granted conditionally 24-10-18

Proposal

The application is submitted by Solo Independent Living Adolescence Care Services Ltd who are a provider of residential care for children and young people. The application seeks full planning permission to change the use of the dwelling from a C3 (dwelling house) use to use class C2 (residential institution).

The application was originally submitted with the red edge boundary drawn around the whole building 1 & 3 Moor Lane North, however this was an error and through the application process, the red edge boundary has been amended to show the application site as only 1 of the pair of semi detached bungalows – 3 Moor Lane North. The application description was also amended to include the widening of the vehicular access off Moor Lane North to 5m.

The application form states that the property would be occupied by only one young person at a time up to the age 18. The applicant has stated that the proposal would be staffed 24 hours a day 7 days a week with trained and experienced staff members. There will be a staff ratio of 2:1 at all times, and the staffing changeover will happen every day and shift patterns are 8am to 8pm, and 8pm to 8am which may result in having 4 cars parked in the driveway for approximately 30 minutes. The house will retain the same appearance as existing, and the boundary treatment will also remain the same, with a high hedgerow to the front of the site and existing hedgerows and fencing along other boundaries.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

SP 11 Development in Residential Areas

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: It sets out the Government's planning policies for England and how these should be applied. It sits within the planned 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 a site notice along with individual neighbour notification letters to 48 nearby properties. 7 representations have been received as well as one from Ravenfield parish Council, and objections are summarised below –

- Will cause further parking problems for residents, there are already parking problems in the area with staff members of existing care homes leaving cars unmoved for days
- There are 10 staff and only 3 car parking spaces
- Increased traffic hazard to motorists and pedestrians
- There are already 5 care homes in the cross roads area – why so many in one area, there is no thought as to how they affect the local community.
- The location is unacceptable next to a public house
- As a manager of a nearby children's home I do not consider that it would be beneficial to have homes in close proximity of each other – it should be located elsewhere

- Solo placements present challenges by way of more complex needs of their residents which should be factored into the decision making process for this application – it is not common or recommended practice to have 2 homes situated closely.

Ravenfield Parish Council object on the following grounds -

- Parking – there is insufficient car parking for staff, family and visitors and there are double yellow lines outside the site.
- There are already a number of these facilities in Ravenfield and proportionately across the size of Ravenfield feel that there is a sufficient amount.

Due to the numbers of objections, letters were sent out to neighbours, objectors and the applicant advising that the application would be determined by the Planning Board and that they had the Right to Speak.

As detailed above, the site plan that was originally submitted with the application was incorrect, so this was amended on the file to show the correct site. As well as this the description of development was amended to include the widening of the access. As a result of these changes letters were sent out to the objectors and the immediate neighbours notifying them of this. A site notice was also erected.

As a result of this a Right to Speak request has been requested by the adjacent neighbour.

Consultations

RMBC – Transportation and Highway Design – No objections subject to relevant conditions.

RMBC – School Services – No comments received

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 General Amenity
- Transportation Considerations
- Other Matters Raised by Local Residents

Principle of the Development

The proposed use would fall within class C2 'Residential Institutions' (use for the provision of residential accommodation and care to people in need of care).

Recent planning law has noted that a change of use from C3 to C2 might not result in a material change of use if the resulting use of the building is similar to the character to that of a normal dwelling house. In this instance it is considered that there would be a material change of use due to the changeovers of staff at this property.

The site is allocated for Residential Use within the Local Plan and 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.*" As such, the proposed development would be acceptable in principle.

Impact on Residential Amenity

The proposal is for the use of the dwelling as a children's home for one child only. The property would be accessed by the occupants, members of staff and other support workers. These comings and goings and associated vehicle movements may differ from the level of activity beyond that which would normally be associated with a dwelling house, however, it is not considered to be of a level which would create a significant impact on the residential amenity of the adjoining or adjacent neighbours and as such would not justify refusing the planning application on these grounds.

The applicant has confirmed that the changeover time for staff is at 8am and 8pm, and so it is not considered that the increase in activity at the property would give rise to an increased level of noise and disturbance during unsociable hours and whilst it will increase during daytime hours, it is considered that the level of noise associated with increased vehicular movements would not lead to a significant impact on the residential amenity of existing nearby residents.

Objections have been received from the Parish Council, neighbours and the Managers of other nearby care homes, on the basis that there are already a significant number of care homes close by; that solo children in care have more challenging needs so should not be close to other children in care; and that the location of the site next to the public house is not a good location, and the cumulative effect of all the care homes would have a negative impact on the community as a whole.

The one child accommodated within the property will be supervised on a 24 hour basis and as such, it is not considered that this issue would create any significant impact on the residential amenity of existing residents or the wider community as a whole. In this respect the proposal would be considered to have a character akin to that of a residential dwelling, and as such is considered acceptable in a residential area. There are no relevant planning policies which dictate that such uses should not be located close to one another, and due to the nature of the proposal it is considered to be residential in character, which is appropriate in this residential area.

Transportation

After assessing the submitted application the Transportation Officer has noted that the site frontage is available for car parking purposes, and that the application has been amended to increase the width of the vehicular access off Moor Lane North to 5 metres. This being the case the Transportation Officer raises no objections to the application as there is sufficient space on the site frontage to provide 4 car parking spaces along with a turning area so that cars can exit the site in a forward gear.

Objections have been received that the proposal, if approved, would cause further parking problems for residents, as well as a highway hazard for motorists and pedestrians, and stating that there are already parking problems in the area with staff members of existing care homes leavening cars unmoved for days, and that there are fewer spaces than staff members.

As noted above the Transportation Officer raises no objections in relation to Highway Safety concerns and is happy with the level of parking available on the site. It is also noted that there are double yellow lines on this part of Moor Lane North so vehicles cannot park on the highway adjacent to the site.

Conclusion

Given the location of the dwelling, together with the nature and intensity of the proposed use, to look after one child only, it is considered that any noise and disturbance generated would be akin to a “traditional” residential dwelling, and whilst there could be an increase in comings and goings especially at shift change over times, this would be within daytime hours so would not create such a significant impact on the amenity of neighbouring residents that would justify refusing planning permission on these grounds. Furthermore, the presence of several carers at any one time will ensure that the child and/or young person in care are suitably supervised minimising any impact on the amenity of neighbours or the wider community.

It is also considered that the onsite car parking proposed as well as the increase in width of the access is appropriate from a highway safety aspect. It is therefore recommended that planning permission is granted conditionally.

Conditions

01

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

Reason

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

02

The premises shall be used as a residential care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2987, (or any Order revoking and re-enacting that Order with or without modification).

Reason

The premises are not considered suitable for general use within the Class quoted for amenity and highway reasons.

03

The number of children cared for at the site shall be limited to 1 at any one time.

Reason

In accordance with the details submitted with the application and for the avoidance of doubt.

04

Before the development is brought into use, the site access shall be increased in width to 5 metres.

Reason

In the interest of Highway Safety

05

Before the development is brought into use the onsite car parking shall be provided in accordance with the attached copy plan and retained and available for use for the lifetime of the development.

Reason

In the Interest of Highway Safety

06

The area shaded orange on the attached copy plan shall be made available at all times for vehicle manoeuvring purposes.

Reason

In the Interest of Highway Safety

07

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

In the interest of Highway Safety.

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.

| | |
|------------------------------|---|
| Application Number | RB2022/0724 https://rotherham.planportal.co.uk/?id=RB2022/0724 |
| Proposal and Location | Change of use to a public house (Use Class Sui Generis), including alterations to external appearance of the building, and provision of associated external seating area, Building B, Deer Park Farm, Doncaster Road, Thrybergh |
| Recommendation | Granted Conditionally |

The application is being considered by Planning Board due to the controversial nature of the proposal.



Site Description & Location

The application site relates to a commercial complex of buildings located off Doncaster Road, Thrybergh known as Deer Park Farm. It comprises a former farmhouse which has been converted into a café with a number of industrial style buildings to the rear which have an authorised mixed commercial use of retail, storage and distribution as well as the sale of conservatories to the north of the site.

To the rear of the site are residential properties on Arran Hill and Church View whilst across Doncaster Road is the former Foster's garden centre and a

range of Grade II Listed former agricultural buildings, all of which are currently vacant.

Background

The site has a long planning history and was formally used for car hire and car van sales. The most relevant and recent planning history that relates to the current uses on the site are listed below:

RB2009/1345: Retrospective application for change of use of premises from car hire to manufacture of timber furniture & fencing and sale of garden sheds, fencing, wrought iron work & timber household furniture - REFUSED 14/01/10

RB2010/0580: Retrospective application for change of use of premises from car hire to manufacture of timber furniture, wrought iron work & fencing and sale of garden sheds, fencing, wrought iron work & timber householder furniture and external alterations to buildings including erection of front boundary wall and railings - REFUSED 01/07/10 - DISMISSED AT APPEAL 23/12/10

RB2010/0760: Display of 7 non-illuminated signs consisting of 3 fascia signs, 1 free standing post sign & 3 flag posts & flags
REFUSED 26/07/10 - ALLOWED AT APPEAL (PART ONLY) 23/12/10

RB2011/1601: Change of use to use Building A for storage and distribution (B8) and sales area (A1), Building B for 3 no. retail sales units (A1), Building C for retail sale of furniture (A1) and café (A3) to ground floor, a proposed external display area for conservatories and sheds, provision of new boundary wall and associated car parking - GRANTED CONDITIONALLY 17/01/12

Conditions controlling the hours of opening were as follows:

03

The retail and café uses hereby permitted shall only be open to customers or for deliveries between the hours of 0800–1800 Monday to Friday, 0800–1700 Saturday and 1100–1600 on Sundays and Bank Holidays.

04

The warehouse use hereby permitted shall only be open for deliveries and for goods to be taken from the building for onward transit between the hours of 08.00 – 18.00 Mondays to Fridays and 09.00 – 12.00 Saturdays and closed Sundays and Bank Holidays.

RB2016/1048: Application to vary condition 03 (opening times of the cafe) imposed by planning application RB2011/1601 - GRANTED CONDITIONALLY 09/01/17

The Condition controlling the hours of opening of the café was amended as follows:

02

The café use hereby permitted shall only be open to customers between the hours of 0800– 1800 Monday to Wednesday, 0800–2230 Thursday to Saturday and 1100–1600 on Sundays and Bank Holidays.

RB2021/1455: Change of use of Building B to form bar area (Use Class C4) in two of the retail units and retention of third retail Unit (Use Class A1) including extension of existing car park - REFUSED 16/12/21 for the following reasons:

01

The Council considers that the proposed public house and associated outside seating area (use class Sui Generis) would be in conflict with the residential properties on Arran Hill and Church View by introducing a use which would lead to unacceptable levels of noise nuisance and general disturbance to local residents during the daytime and evening in this residential location, and as such the proposal is considered to be contrary to criterion d. of adopted Local Plan Policies SP11 'Development in Residential Areas' and SP52 'Pollution Control,' and paragraph 130(f) of the National Planning Policy Framework.

02

The submitted Sequential Test is considered to be insufficiently detailed to allow the Local Planning Authority to make an adequate assessment of the application. As such, it is considered to be contrary to adopted Local Plan Policies Policy CS12 'Managing Change in Rotherham's Retail and Service Centres and SP11 'Development in Residential Areas' and guidance contained within the Adopted SPD7 'Town Centre Uses and Developments' and guidance contained in paragraphs 87 and 88 of the NPPF.

The application was submitted in July 2021, though the bar opened before a decision was made to refuse the proposals in December 2021. In view of the fact that the public house had already opened, enforcement action was authorised to secure the cessation of the use of the building as a bar. A meeting was subsequently held with the applicant's agent at the end of January 2022 where an agreement was reached to temporarily allow the bar to open until 6pm (albeit without planning permission), subject to the requirement for the submission of a further planning application in an effort to address the reasons for refusal. No revised application was submitted at that time and on occasions the bar remained open until after the agreed 6pm time period. This was further compounded by separate requests to the Council's Licencing Service to open later than 6pm, demonstrating that the applicant clearly intended to continue to breach the agreed 6pm closure time.

The opening of the bar without planning permission was something that the applicant chose to do at risk and the agreement for it to continue to open until 6pm was an offer from the Council to be flexible in respect of any enforcement

action to be taken. As there were continued breaches of this agreement, a Temporary Stop Notice was served on 9th March 2022 requiring the bar to close for a period of 28 days, during which time the Council will consider what formal enforcement action to pursue.

The applicant subsequently closed the bar and the building remained closed for several months, and so no formal enforcement action was pursued.

The current application was submitted at the beginning of May 2022, though the building re-opened towards the end of June as a cafe. As this building (Building B on the overall site) had permission to be used for 3 retail units, and was indeed initially used for that purpose, planning permission is not required for it to convert to a café use, as following changes to the Town and Country Planning (Use Classes) Order in September 2020, both retail uses (formerly Class A1) and café uses (formerly Class A3) now both fall within Use Class E. No planning permission is required to change use within this Class. Permission is, however, required for a change of use to a bar (formerly Class A4, now Sui Generis – ie does not fall within any specific use Class).

The existing café use does, however, need to conform with the hours of opening approved under the original permission for the retail units, being of 0800–1800 Monday to Friday, 0800–1700 Saturday and 1100–1600 on Sundays and Bank Holidays.

RB2022/0626: Lawful Development Certificate re: existing use for outdoor seating area: Undetermined

Proposal

The application is for a change of use of the entirety of Building B for a public house (Use Class Sui Generis) and formation of outdoor seating area in association with this public house use. The opening hours would be 12:00 – 21:00 Monday to Sunday.

The proposals include additional screening noise mitigation measures to be undertaken to the outdoor seating area that is proposed at the southern end of the building, and the removal of a seating area that was proposed (and refused) at the front of the building under the previous proposal.

Indoor toilet facilities will be provided inside the building to avoid patrons using toilet facilities outside of the building. In addition, the three separate front doors of the former 3 retail units within Building B would be reduced to a single door at the southern end of the eastern elevation of the building (the previously refused scheme included a central door for the bar and the retention of a door for the southern retail unit that was to be retained under that proposal).

To address the reason for refusal under the previous application a revised Noise Impact Assessment has been submitted which includes the following changes::

- Outdoor seating to be removed entirely from the south-eastern elevation of the development
- New outdoor seating to be located to the west of the proposed development utilising the screening provided by Building A located to the south of the proposed outdoor seating
- Solid timber fences will be installed around the outdoor seating in order to provide additional screening for the residential dwellings to the south on Arran Hill and west on Church View
- New toilets to be provided internally within Building B to avoid customers using externally located toilets
- Adjoining retail unit (florist) to become part of the proposed bar forming a new entrance to the bar located at the western (partially screened) end of the building.

The Noise Impact Assessment concludes that; “with the provision of mitigation measures as proposed, noise associated with the external seating area is considered to be negligible at the nearest noise sensitive receptors.”

The proposals would use the existing authorised parking areas on site, which are shared with the other authorised uses. An unauthorised parking area that has been formed to the south west of the site with 9 no. car parking spaces, would be subject to a separate planning application. This parking area would be an overflow car park and would be accessed by customers through the site from the main access point off Doncaster Road. It is on land that once formed part of the garden area of a dwelling (at 1 Arran Hill), which forms part of the wider ownership at the site. An additional staff car park has also been formed off the existing access to the residential unit on site from Arran Hill, with 3 no. car parking spaces, and this would also be included on the separate planning application.

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 identified for ‘Residential’ purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS12 ‘Managing change in Rotherham’s retail and service’
 SP11 ‘Development in Residential Areas’
 SP32 ‘Green Infrastructure and Landscape’
 SP52 ‘Pollution Control’
 SP40 ‘Listed Buildings’

Other Material Considerations

Adopted Supplementary Planning Document 7 'Town Centre Uses and Developments'

The revised 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.

Publicity

The application has been advertised by way of site notice and individual letters to neighbouring properties. The Council has received 160 individual representations in support of the application with 1 neutral comment. The comments in support are from neighbouring residents and staff and relatives of staff at the site, as well as many from patrons of the public house who do not live close to the site. The Council has received 4 representations objecting to the application which are immediate neighbours to the site.

The comments raised shall be summarised below:

Representations in support

- The Tap is a great local business and good for the community.
- The Tap is not a noisy pub with a well behaved clientele.

Representations objecting

- A public house is not appropriate in this residential area.
- The existing public house has been operating without planning permission and has been causing noise and disturbance for local residents.
- The proposed fencing around the seating area will not reduce the noise impact from patrons using the beer garden.
- The public house will cause disturbance to neighbouring residents 7 days a week until around 10pm at night by the time the staff and patrons have left the premises.
- The Noise Report has been measured using the background noise of Doncaster Road. However, the road quietens down at 6pm which is the time when neighbours in their gardens are most likely to be disturbed by the noise of patrons using the beer garden.
- The car park would impact on highway safety for road users on Arran Hill.
- The proprietor has exacerbated tensions between patrons and neighbouring residents who have complained about the site, causing distress to neighbours.

- Cigarette smoke in neighbouring gardens from the outside seating area.
- Light pollution from the site with lighting glaring into neighbouring properties.
- The applicant has claimed that sporting events will not be held at the public house. However, this has not been the case with sporting events shown at the site.
- No faith in the owners to adhere to the rules if planning permission is granted.

The applicant and Councillor Michael Bennett-Sylvester (in support of the proposals) have requested the right to speak at the Meeting.

Consultations

RMBC – Transportation Infrastructure Service: No objections.

RMBC – Environmental Health: Have assessed the application, including the submitted Noise Assessment, and consider that the proposed mitigation measures are likely to reduce the noise levels that were identified as being a problem previously. The re-location of the entrance door and the removal of the external seating area at the front, as well as the inclusion of a noise barrier around the outside seating area to be retained, as well as being shielded by building A, will likely reduce the noise levels.

However, there is uncertainty as to whether or not the noise from vocals will cause an adverse impact on nearby residential properties, and it is recommended that permission is granted for a temporary 12 months period to allow further assessment of the suitability of the site prior to recommending permanent permission, along with other conditions to control matters such as hours of delivery and opening.

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 issues in the determination of this application are considered to be:

- Principle of introducing such uses in this location.
- Impact on the amenity of neighbouring residents
- Design impact
- Highway safety

Principle of the development:

The proposed use falls within Use Class Sui Generis for the public house use and related outdoor seating area.

The site is within an area identified for Residential use in the Local Plan and is located close to residential properties to the south, east, and north. Accordingly, the application shall be considered against the requirements set out in Policy SP11 'Development in Residential Areas'. Policy SP11 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.

Non-residential uses will be considered in light of the need to maintain the housing land supply and create sustainable communities, and normally only permitted where they:

- a. are ancillary and complementary to the residential nature and function of the area; and*
- b. are no larger than is required to meet the needs of local residents; and*
- c. will not have an unacceptable impact on the residential amenity of the area; and*
- d. demonstrate how they will be of benefit to the health and well-being of the local population.”*

Explanatory text at paragraph 4.44 states: “Certain non-residential uses will be allowed in residential areas where they are ancillary and complementary to the main residential use. Such uses could include proposals for convenience shops serving the local area only, social and community facilities, public houses, amenity and local recreational open space. Residential areas are generally considered to be suitable locations for Use Class B1 employment uses, development proposals will be resisted if the scale of the building and the intensity of use, particularly traffic movements, are detrimental to the appearance and character of the residential area.”

In terms of the proposed public house and criteria (a) and (b), the pub could be considered to be ancillary and complementary in this residential area, and no larger than is required to meet a local need. Criteria (c) and (d) are discussed in more detail below.

The bar use is considered to be a “Main town centre use” as defined in the NPPF, and with regards to retail impact Policy CS12 ‘Managing Change in Rotherham’s Retail and Service Centres states:

“The Sequential Approach:

Proposals for town centre uses on the edge of or outside of designated centres will only be permitted where it can be demonstrated that:

- a. sites within and then on the edge of town, district or local centres have been assessed and it can be demonstrated that they are not available, suitable or viable for the proposed development, and then
- b. In the case of bulky goods floorspace, the availability, suitability and viability of vacant premises in retail parks to accommodate the proposed development has been assessed.”

The Council’s Supplementary Planning Document 7 – ‘Town Centre Uses and Developments’ states at paragraph 48 that: “Flexibility could include agreement to

only consider sequentially preferable sites within a reasonable size range to accommodate the proposed development (such as +/- 10%). In such circumstances

the Council may accept the automatic discounting of sites outside of any agreed range.”

The NPPF states at paragraphs 87 and 88 that” “87 - Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

88 - When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

Paragraphs 90 and 91 of the NPPF add that: “90 - When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;

and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

91 - Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.”

In terms of the use of part of Building B as a pub, this relates to the conversion of an existing retail unit so no sequential test would be required in this respect.

Impact on neighbouring residents:

Notwithstanding the above, it is considered that in respect of criteria c and d of Policy SP11 the proposed use will have to be assessed against the requirements of other Local Plan policy SP52 ‘Pollution Control’ as well as paragraph 130 (f) of the Framework.

Policy SP52 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”*. It further states that when determining an application consideration will be given to, amongst other things, *“...the potential noise likely to be generated by the proposed development...”*

Paragraph 130 of the Framework states: *“Planning policies and decisions should ensure that developments... f) 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.”*

The proposal would introduce a public house use that would be open throughout the day every day from 12:00 until 21:00 seven days a week, in close proximity to a number of residential properties. It is noted that a number of local residents who live adjoining the site have objected to the proposals in terms of noise nuisance and disturbance from the public house and external seating area, which at one point was in operation, albeit under different circumstances to that currently proposed.

The applicant has submitted a revised Noise Assessment for the current application. The Council’s Environmental Health Service have assessed the report and note that the site is located within a mixed commercial/residential area and there are noise sensitive premises located nearby. They indicate that the whole site currently has permission for retail and café usage with associated parking, and that the café (Building C), already has permission to open until 22:30hrs on Thursdays, Fridays and

Saturdays under RB2016/1048. The applicant has applied to open a Public House from 12:00 - 21:00hrs seven days a week.

Environmental Health note that under the previous proposal that was refused there were concerns with the external seating area located at the front of the building which was considered would have adversely affected nearby residential occupiers use and enjoyment of their premises, especially during the evening period. This area has now been removed from the proposals and the outside seating area at the southern end of the building would include a proposed acoustic enclosure.

Environmental Health note that Building B has no openable windows and the main entrance door has now been relocated away from properties that had direct line of sight of Building B, and that Building A will, to a certain extent, act as a noise barrier between Building B (with an acoustic enclosure).

Due to the lack of openable windows, the installation of fixed plant such as air conditioning units may be necessary and must be considered for potential noise impact on nearby noise sensitive premises prior to installation.

Having viewed the amended noise report (NIA/9789/21/9834/v.2/deer park farm) Environmental Healthy Service consider that the proposed mitigation measures are likely to reduce the noise levels that were identified as being a problem previously. The re-location of the entrance door and the removal of the external seating area at the front, as well as the inclusion of a noise barrier around the outside seating area to be retained, as well as being shielded by building A, will likely reduce the noise levels.

The submitted Noise Assessment states that this new proposal will result in a No Observed Adverse Effect Level (NOAEL) on nearby residential dwellings, and Environmental Health Service agree that the proposed mitigation measures will reduce the additional noise that is to be generated on site. However, there is uncertainty as to whether or not the noise from people talking will cause an adverse impact on nearby residential properties, and it is recommended that permission is granted for a temporary 12 month period to allow further assessment of the suitability of the site prior to recommending permanent permission.

Furthermore, it is noted that neighbouring residents raised concerns about the noise nuisance caused by patrons leaving the site in their cars. Whilst it is noted that the café already has authorised opening hours until 22:30, this additional use would add to the potential noise nuisance from the site. It is considered that the 12 month period to allow further assessment of the suitability of the site for the proposed use, gives time to assess the noise impact from the use of this car park.

Therefore, in respect of criterion (c) and (d) of Policy SP11 it is considered that the proposed public house and associated outdoor seating area would not have an unacceptable impact on the residential amenity of the area, and would be of benefit to the health and well-being of the local population.

As such, the development would result in a use that would accord with criterion adopted Local Plan Policy SP11 'Development in Residential Areas', as well as the requirements set out in Local Plan Policy SP52 'Pollution Control' and paragraph 130(f) of the National Planning Policy Framework.

Design impact

In terms of visual impact of the proposals, Policy CS28 – Sustainable Design notes that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

SP55 'Design Principles' states that: "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."

In terms of the general design impact, the proposals for the change of use of part of Building B into a public house would lead to no significant external alterations to this building. As such, there would be no visual impact.

Highway safety

With regards to highway safety it is noted that neighbouring residents have raised concerns about increased traffic as well as the formation of a staff car park from Arran Hill. Whilst these comments are noted, the Council's Highway Engineer raised no objections or concerns about the proposals in terms of highway safety. The additional parking areas formed on the overall site that do not benefit from planning permission are to be subject to a separate planning application which will be considered on its own merits.

Other matters raised by objectors

It is noted that other objections from local residents included light pollution from the site. It is noted that there are 3 existing security lights on the building, which would not in themselves require planning permission, and a condition is recommended to control any additional lighting.

It is noted that local residents have raised concerns about incidents of anti-social behaviour and that the proprietor at the Tap has exacerbated tensions between neighbouring residents objecting to the application and patrons of the public house. Whilst this is noted it is considered that this is a separate

matter that cannot be taken into consideration in the assessment of this planning application.

Local residents have raised concerns about having no faith in the proprietor of the premises adhering to planning rules or conditions set to any planning permission given. Whilst this is noted it is considered that the recommended conditions are all enforceable if necessary.

Conclusion

It is noted that the proposal has the potential to cause noise and disturbance to residents immediately neighbouring the site, some of whom have objected to this application. However, it is noted that the applicant is proposing to put in place noise mitigation measures for the site which should alleviate some problems with noise and disturbance, and it is considered reasonable to allow a temporary planning permission, in line with Environmental Health's comments, in order to be able to fully assess the impact on neighbouring residents after the noise mitigation measures have been put in place.

It is therefore recommended that Members approve the scheme on a temporary basis and subject to the recommended conditions.

Conditions

01

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

Reason

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

02

The proposed bar shall only be brought into use from the date that all works set out in the submitted Noise Assessment (NIA/9789/21/9834/v.2/deer park farm) and all alterations to the building as set out on the approved plans have been carried out, to the written satisfaction of the Local Planning Authority. The use shall thereafter be valid for a period of 12 months from the date the bar is brought into use, unless a further application for planning permission has been submitted and has either been approved or is still under consideration by the Local Planning Authority.

Reason

In order that the impact of the development on local residents can be further assessed.

03

The public house (Building B) use hereby permitted shall only be open for deliveries between the hours of 0800–1800hrs Monday to Friday, 0800–1700hrs Saturday and 1100–1600hrs on Sundays and Bank Holidays.

Reason

In the interests of the amenities of local residents.

04

The public house (Building B) use hereby permitted shall only be open to customers between the hours of 1200– 2100hrs Monday to Sunday.

Reason

In the interests of the amenities of local residents.

05

No amplified or other music shall be played in the premises other than low level background music inside the building.

Reason

In the interests of the amenities of local residents.

06

The noise barrier as specified in the noise impact assessment dated 1st July 2021 ref: NIA/9789/21/9834/v.2/deer park farm, shall be erected in accordance with the specifications detailed in paragraphs 5.02 & 5.03 of the report. The acoustic barrier shall be maintained as specified in the report for the lifetime of this permission.

Reason

In the interests of the amenities of local residents.

07

No external seating shall be provided at the front of the building or outside of the red edge boundary of the application site.

Reason

In the interests of the amenities of local residents.

08

No noise generating plant including mechanical ventilation or refrigeration/air conditioning, extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014 +A1:2019 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational, to achieve no more than 0dB(A) above the

prevailing background levels, outside the boundary of the nearest noise sensitive property during the quietest measured period.

Reason

In the interests of the amenities of local residents.

09

No additional lighting shall be attached to the building or erected within the site unless otherwise as agreed in writing with the Local Planning Authority.

Reason

In the interests of the amenities of local residents.

Informatives

01

This permission is for the change of use only and does not authorise the licensing of the site for the sale of liquor. This would need to be secured from the Council's Licensing Department and any licencing application applied for should conform with the approved hours under this planning permission.

02

INF 23 Adverts

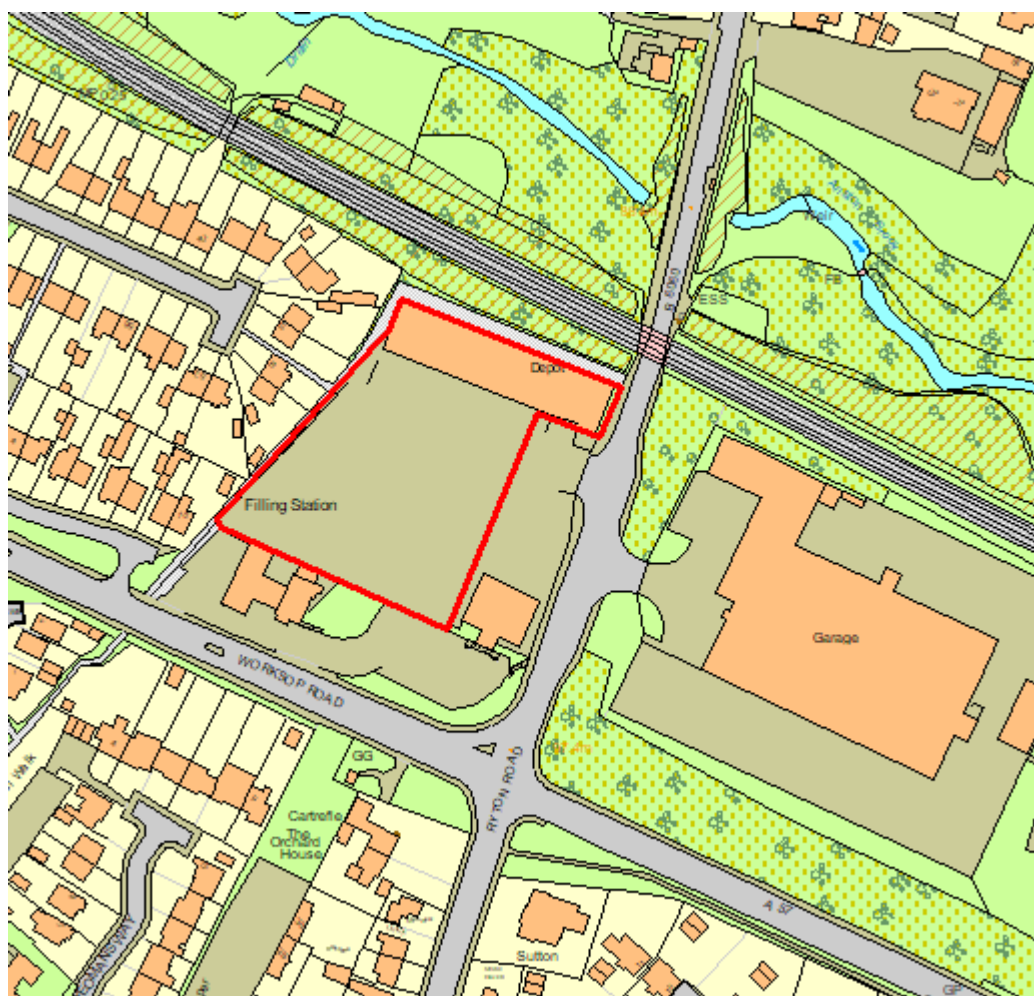
The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

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. It was considered to be in accordance with the principles of the National Planning Policy Framework.

| | |
|------------------------------|--|
| Application Number | RB2022/0737 https://rotherham.planportal.co.uk/?id=RB2022/0737 |
| Proposal and Location | Erection of two linked 9.5m prefabricated steel towers, Eagle Platforms, Ryton Road, North Anston |
| Recommendation | Grant conditionally |

The application is being considered by Planning Board due to the number of objections received.



Site Description & Location

The site of application is a raised platform hire company which operates from a former bus depot on Ryton Road, close to the A57. The site includes a standard steel clad industrial building and large front yard where many of the raised platforms are stored.

The south of the site borders a petrol filling station and former office building which has since been partially converted into a children's play centre. To the west are semi detached residential properties on Wilberforce Road and Worksop Road whose garden's directly back onto the yard. Both the application site and adjoining houses appear to have been constructed in the late 1950s or early 1960s.

Anston Public Footpath No. 4 runs along the northern boundary of the site, as well as along the western boundary, between the site and the properties on Wilberforce Road and Worksop Road.

Background

RB1984/0604 - Continuation of use of portable unit without compliance with condition 1 - GRANTED CONDITIONALLY

RB1987/0818 - Extensions to existing bus & coach buildings - GRANTED CONDITIONALLY

RB1989/1858 - Erection of a coach showroom building- GRANTED CONDITIONALLY

RB2015/0472 - Outline application for the erection of up to 30 dwellinghouses with details of access - GRANTED CONDITIONALLY – Never implemented

Proposal

The applicant originally sought permission for two 13m linked prefabricated steel towers, to the southern boundary of the site adjacent to the petrol filling station. The towers are intended for training purposes in association with the motorised raised platforms. The towers form part of important health and safety training, for those using the motorised raised platforms/ telehandlers and working at height.

Following the objections received from neighbours the applicant has voluntarily agreed to reduce the overall height of the towers to 9.5m.

The plans also indicate that a sign will be hung from the top of the tower. This will require a separate advertisement consent application and is not for consideration as part of this application.

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 (adopted on 27th June 2018).

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

Core Strategy policy(s):

CS14 'Accessible Places and Managing Demand for Travel'

CS27 Community Health and Safety

CS28 Sustainable Design

The Sites and Policies Document – June 2018:
SP1 'Sites Allocated for Development'
SP52 Pollution Control
SP55 Design Principles

Other Material Considerations

National Planning Policy Framework: The NPPF (as amended) 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 was advertised on site by site notice, and by individual neighbour letters. 8 letters of objection have been received, the objectors state that:

- The proposed tower is too high at 13m and out of keeping in the area.
- There would be advertising on the top of the tower.
- The site generates too much noise already from the raised platforms.
- Impact upon value of adjoining dwellings.
- The sound of the beeping and sirens on the raised platforms will cause harm during the training.
- The tower will overlook neighbouring dwellings.

An objector and the applicant have requested the right to speak at Planning Board.

Consultations

RMBC – Transportation Infrastructure Service: No objections

RMBC – Environmental Health: Note that if the proposed towers are only to be used for training purposes between the hours of 08:00-17:00hrs Monday to Friday only, then do not foresee any issues with regard to this application.

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 issues to take into consideration in the determination of the application are –

- The principle of the development
- Design, layout and scale
- Transportation issues
- General amenity issues
- Other issues

The principle of the development

The site was allocated for Business purposes in the adopted Unitary Development Plan though this Plan has been replaced with the Sites and Policies Document that was adopted on 25 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H83 (total area 1.04 hectares) and the Sites and Policies Document indicates the total site has a capacity of approximately 30 dwellings.

The reallocation was undertaken due to the outline approval for 30 dwellings as part of application RB2015/0472. The land owner has since chosen not to pursue the residential use and has chosen to retain the B8 industrial distribution and storage use for the time being.

Considering that the B8 industrial distribution and storage use has been retained the principle of an additional ancillary structure linked to the on site activities is acceptable and moreover the proposed tower can be removed relatively easily and would not prevent the site being developed out for residential purposes at a future date.

As such the proposal would not conflict with the Local Plan Policy SP1 'Sites Allocated for Development'.

Design, layout and scale

Policy CS28 'Sustainable Design' states, in part, that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context

and be visually attractive as a result of good architecture and appropriate landscaping.”

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

The proposed structure is an appropriate structure for this industrial setting and will blend in with the raised platforms being stored on site. Whilst the proposed structure is high at 9.5m, this is necessary for its use as a training aid and the applicant has set it 50m off the neighbouring residential boundaries.

The structure is set against the background of the four storey office building (now partially used as a play centre) and shell petrol station with associated flat roofed canopy and price board.

As such the proposal has an acceptable appearance for this location in accordance with CS28 ‘Sustainable Design’ and SP55 ‘Design Principles’.

Transport issues

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

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

The proposed development will involve some additional visits from customers looking to train on the raised platforms and telehandlers, the site has adequate on site parking and can accommodate the additional visits, as well as being close to bus stops serving Sheffield and Rotherham. As such the scheme is acceptable in terms of parking and sustainability.

Impact upon neighboring amenity

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

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

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

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals."

In terms of the impact on nearby occupiers the storage use is historic and dates back to the 1960s when the site operated as a bus depot including sales and repairs. Many of the objections received relate to existing noise and disturbance issues, especially early in the morning. This application is for the proposed training tower as opposed to the existing use and as such the Council cannot control the existing use or impose any additional conditions unrelated to the application.

In terms of this application, the new training tower is set some 50m from the nearest residential neighbour, and will involve telehandlers and raised platforms approaching and reversing from the tower. This will involve some reversing beeping as well as engine noise and verbal instruction. The

Council's Environmental Health team have visited the site and note that there is significant background noise from the busy A57. In addition, any practical training will only be for a few hours a day with the majority of training taking place indoors.

As such, subject to a recommended hours of operation between 08:00 – 17:00hrs Monday to Friday, the tower is considered to be an acceptable addition.

Turning to the issue of overlooking, the tower is set 50m from any neighbouring dwellings and is a training aid, as opposed to an area where students would stand. Students would remain in the hoists, which would be for a short period of time and not result in undue overlooking of neighbours.

Conclusion

Whilst the site is allocated for Residential purposes within the Local Plan, it is a long established commercial site and the proposed development would not prejudice the longer term development of the site for residential purposes.

The scheme is acceptable in terms of the design and layout and highway safety considerations, as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of generating employment within the Borough.

Overall the scheme is considered to be in accordance with the development plan and with the policies in the NPPF and it is recommended that planning permission be granted.

Conditions

01

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

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to assist in the delivery of development.

02

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

(Proposed Site Plan) (Received 23 May 2022)
(Amended elevations) Received 01 July 2022)

Reason

To define the permission and for the avoidance of doubt.

03

The proposed 9.5m high tower shall only be used between 08:00 – 17:00hrs Monday to Friday and only for training purposes unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of neighbouring amenity.

Informative:

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

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.