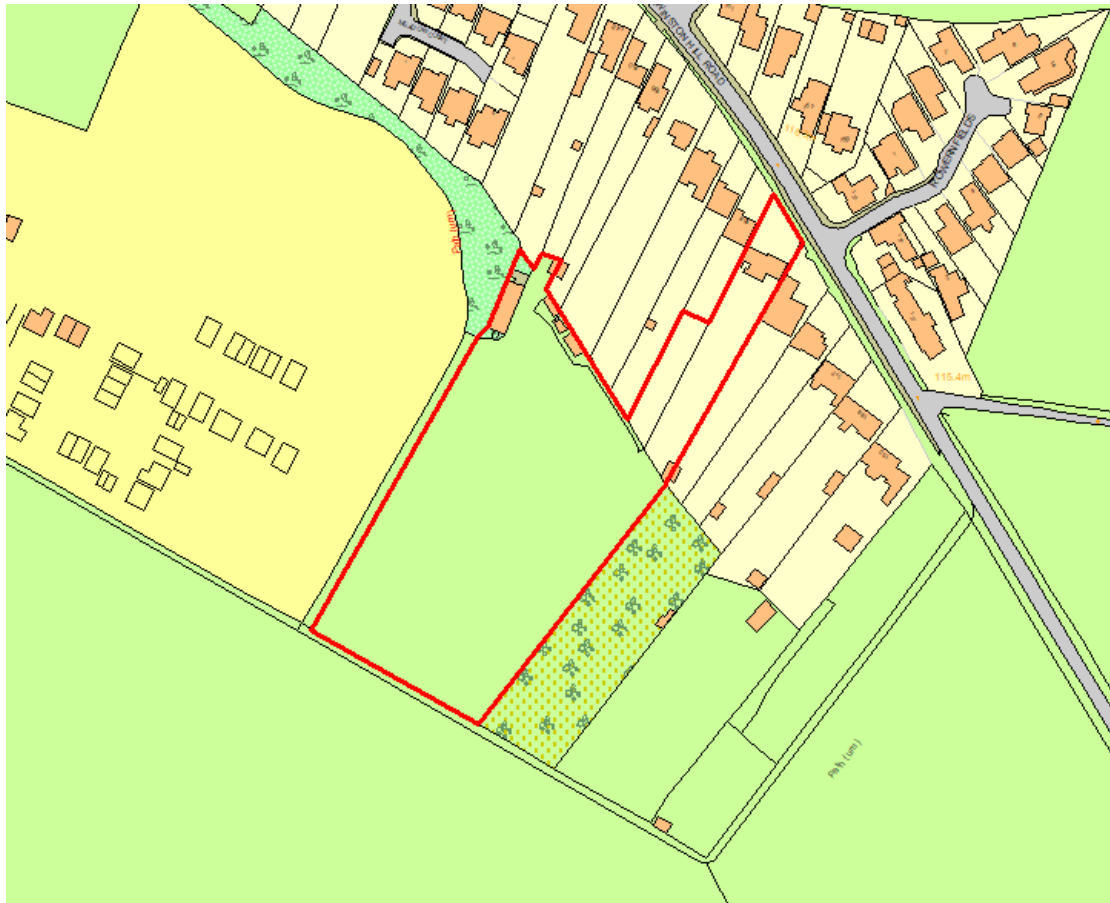


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 23rd February 2023**

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	RB2022/0880 https://rotherham.planportal.co.uk/?id=RB2022/0880
Proposal and Location	Reserved matters application details of landscaping, scale, access, external appearance and layout for the erection of 46 dwellinghouses (reserved by outline RB2021/0060) at land to rear of 166 Swinston Hill Road, Dinnington
Recommendation	<p>A. That the Council enter into a deed of variation legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following as per agreed on RB2021/0060:</p> <ul style="list-style-type: none"> • Financial contribution of £500 per dwelling towards sustainable travel measures to support the development (£23,000) • Financial contribution of £2,369 towards improvement to bus stop 35841 controlled by South Yorkshire Passenger Transport Executive to support the development. • Financial contribution of £750 towards the installation of a kissing gate on adjacent footpath (Dinnington Footpath No. 13) • Financial contribution of £390.69 per dwelling (£16,591.74) in respect of the installation of equipped play on the adjacent green space (Swinston Hill Recreation Ground) and £2,450 towards ongoing maintenance costs. • Establishment of a Management Company to manage and maintain the areas of Greenspace on site. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



Site Description & Location

The application site is approximately 1.6 hectares in area and lies to the south of Swinston Hill Road, it comprises of No. 166 Swinston Hill Road which is two-storey detached dwellinghouse that has fallen into a state of disrepair and is currently vacant and boarded up. The property has a long rear garden that then merges into a large field to the rear of the property and runs along the rear of properties 150 to 164 (evens only).

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

The site slopes down from north to south.

Background

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

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

RB2021/0060 – Outline application for the demolition of 166 Swinston Hill Road and erection of up to 46 no. dwellinghouses including details of access – GRANTED CONDITIONALLY

RB2022/1106 – Discharge of condition 21 imposed by RB2021/0060 – Granted

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

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

EIA screening opinion

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017. Whilst the development in isolation does not meet the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed does not exceed 150, when combined with the development on the adjacent site for 157 dwellings then it would exceed this limit. As such, a screening opinion has been prepared. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

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

CIL

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

Proposal

The application seeks Reserved Matters planning permission, regarding, appearance, landscaping, layout and scale, for the development of 46

dwellings, including the provision of informal areas of landscaping and vehicular parking, and open space

The proposal also involves the demolition of no. 166 Swinston Hill Road to facilitate the proposed access, which was agreed under the outline application.

All 46 dwellings would be two-storey and either semi-detached or a mews style, all the dwellings proposed will be offered as Shared Ownership and Affordable Rent dwellings and the housing mix hereby proposed would be:

14 x 2b semi-detached / mews properties

28 x 3b semi-detached properties

4 x 4b semi-detached properties

The proposed layout follows the principles established by the outline. The layout proposes perimeter development in line with indicative plan submitted with the approved outline application. The only notable deviation is to the position of the open space, which has been slightly repositioned, and properties are proposed to back onto the western boundary.

There is an access road with potential to unlock the land to the east, there is a pedestrian link to the adopted Public Right of Way to the south and potential pedestrian link to the adjacent development to the west.

Existing hedgerow is retained to the eastern, western, and southern boundaries, although elements of trimming will be required to allow for the erection of boundary fencing and loss of vegetation will be mitigated through replacement tree and landscape planting.

The properties will be constructed using a red brick and dark grey tiles, fascia's and windows will be white UPVC with black rainwater goods and black composite front doors and white UPVC patio doors.

A variety of boundary treatments are proposed which will include 1.8m close boarded fencing to rear garden boundaries, those which abut the open space will feature 1.8m high screen walls to retain visual quality and provide a robust treatment adjacent to amenity space. Lower-level, post and rail treatment is used to clearly demarcate between public and private space.

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

Design Justification and Planning Statement

The document provides details on the site and the proposed development, including matters such as the layout, scale, landscaping, ecology, appearance, access and parking.

Construction Environment Management Plan

The CEMP provides details on:

- Site Working / Heavy Good Vehicle Hours – 8am to 6pm Monday to Fridays; 9am to 1pm Saturdays and no working on Sundays / Bank Holidays.
- Site access during construction, which will be via Swinston Hill Road.
- Details of car parking, siting of materials and location of site compound, which will be towards the rear of the site.
- Measures to control dust and dirt, which will include water bowsers, sprayers, wheel wash facilities, and use of a road sweeper.
- Measures to control noise.
- How the existing property will be demolished.

Arboricultural Impact Assessment and Arboricultural Method Statement

This report assesses the potential impacts to trees as a consequence of the development proposals, as well as specifying the necessary methodologies required during construction to ensure that trees being retained are afforded adequate protection from harm.

Tree Survey

This report has been prepared to inform the design layout of potential development and be submitted with a planning application.

Geophysical Survey (Archaeology)

The survey notes that a geophysical (magnetometer) survey was undertaken on approximately 1.5 hectares of land located to the south of Swinston Hill Road, Dinnington, South Yorkshire. Anomalies associated with possible medieval/post-medieval ridge and furrow cultivation have been detected along with responses associated with a recent boundary fence. Responses categorised as uncertain may be of some interest. Magnetic disturbance can be seen across the Site and a service pipe runs in the north. Based on the geophysical survey the archaeological potential of this Site is deemed to be low.

Written Scheme of Investigation for an Archaeological Evaluation by Trial Trenching

The report provides details on the site its topography and geology. It sets out the archaeological background of the site and the aims and objectives of the trial trenching.

It notes that the aim of the trial trench evaluation is to provide information on the presence or absence and the extent, character, chronology, depth of burial and degree of archaeological survival across the site. The results of

which will be used to inform the level and type of archaeological investigations that may be required as mitigation and this is specified in a separate WSI.

7 trenches are to be dug on site and the contents assessed.

Preliminary Ecological Appraisal

This report is based on a desk study of designated wildlife sites and records of protected or notable species, and an extended Phase 1 Habitat Survey carried out in February 2022.

The report notes that the site is occupied by habitats of relatively low ecological value – the majority being other neutral grassland which is species poor. Boundary hedgerows and tree lines offer higher value linear features, and these should be retained and protected.

An updating survey is recommended for bats within the former residential property and adjacent outbuilding – this should take the form of one / two emergence or re-entry surveys during May – August inclusive.

Ecological Impact Assessment

The purpose of the EclA report is to use the information gathered, alongside the proposals for the Site, to:

- identify any significant effects associated with the proposed development,
- set out any mitigation (including monitoring) required to address these effects, and to ensure compliance with legislation and policy,
- identify suitable enhancement,
- identify measures required to secure mitigation and enhancement,
- identify and assess any residual effects and their legal, policy and development management consequences.

The report adapts the format set out in the Chartered Institute for Ecology and Environmental Management (CIEEM) guidelines for Ecological Report Writing (December 2017).

The report notes that where feasible, the avoidance of unnecessary impacts has been considered at the design stage and worked into the Site Layout plan. The proposals will incorporate the suitable mitigation in relation to the identified effects

The proposals will be subject to potential conditions relating to the following to provide appropriate mitigation:

- A BS:42020 Construction Environmental Management Plan (CEMP: Biodiversity)
- Ecological Enhancement Plan
- Detailed Landscaping Plans
- A Lighting Plan

Invasive Non-Native Species Survey

This survey aims to ensure that the presence of invasive non-native species (INNS) on the site are identified and managed through development in order to ensure compliance with relevant legislation and environmental responsibility.

The objectives of this survey report are to:

- Confirm the surveyed extent (if found) of any invasive non-native species (INNS);
- Based on findings, to set out clearly the risks, obligations and requirements to manage INNS.

The Survey has not identified the presence of INNS within or in the immediate vicinity of the site. Planned development may proceed without constraint from invasive weeds at the present time. If development does not commence within 24 months of this report, an updating survey to identify potential new infestations is recommended as there is risk of public access and dumping of garden waste which has a high potential to contain INNS. Generic risks from the presence of INNS are provided for information in the report.

Bat Survey Report

The initial site survey was carried out on 26th May 2022. This was followed by a dawn survey on 16th June and a dusk emergence survey on 14th July 2022. This report outlines the findings of both surveys and makes appropriate recommendations.

A Common Pipistrelle Day roost was identified behind the fascia board of the existing dwelling on site. One Common Pipistrelle emerged from the roost during the first dusk survey, and another emerged from the same place during the final dusk emergence survey. Any works to demolish the building will impact on that roost.

No nesting bird activity was observed during the surveys.

As a Common Pipistrelle Day roost has been identified in the existing dwelling, it will be necessary to obtain a bat licence from Natural England prior to demolition of the building. However, the granting of that licence will only be possible once planning consent has been granted for the site.

Prior to this, the Local Authority will require a mitigation strategy outlining how the bats will be maintained at their current conservation status. A Mitigation Strategy is set out in the survey.

Bat & Bird Box Plan

The plan provides details of the type and location of bat and bird boxes within the development site. There are to be 10 bat boxes built into the gables of 10 dwellings throughout the site. There will be a further 45 bird boxes (in groups of 3) similarly located on the gable of other dwellings.

Ecological Enhancement Plan

This document has been provided in response to condition 14 on the outline approval and provides details on the number, type and location of bat and bird boxes throughout the site and also the location of holes within fences and the route which can be taken by hedgehogs and other similarly sized animals.

Travel Plan

This residential Travel Plan has been produced in accordance with both Central and Local Government guidance relating to Travel Plans. The Travel Plan is focussed on the future occupiers of the proposed development. The specific measures will help to provide a focussed and effective Travel Plan to encourage users to vary or change from their reliance on private car travel.

Phase I

Further investigation, to determine more accurately the effect of some of the identified hazards on the development, is recommended. This includes the following:

- Delineation and remediation of soils associated with the asbestos contamination risk identified in the north-west area of the site near TP03.
- Further investigation and delineation of the anomalous area at SA01.
- Pre-demolition asbestos survey and removal of remaining structures (if required).
- Post-demolition ground investigation beneath the remaining structures, including remaining concrete slab and area of recorded historic tank.
- Additional exploration adjacent to structure in the north-west to confirm presence/absence of historic tank.

Phase II Site Appraisal

The previous ground investigation involved the progression of twelve mechanically excavated trial pits to depths of between 0.6m and 2.5m below existing ground level.

The ground conditions generally comprised topsoil or limited made ground overlying weathered Cadeby Formation becoming competent dolostone rock with depth.

It was considered that further work is required to delineate the anomalous area to determine whether its extents are limited to the POS area, or if it extends beneath any of the nearby plots. Any plots that span from rock to the deep cohesive soils may be subject to unacceptable differential settlement.

Tree Protection Plan

Provides details of the type and location of fencing that will be in situ throughout the development phase to protect trees and roots from damage.

Landscape Masterplan

The document provides details on the location and type of planting to be provided within the development site.

Landscape Visual Appraisal

The purpose of this LVA study is to provide an assessment of the likely landscape and visual effects of the potential development.

The report concludes that within the site and its immediate context there would be moderate short-term magnitude of landscape effect arising through construction, and the establishment of the new homes. As the development is completed and the landscape framework establishes, this would reduce to a moderate/minor magnitude of effect. The site plays a minimal role in providing a setting to the town or any individual buildings, or to make any contribution to the historical form and layout of Dinnington.

Furthermore, the visual effects are largely limited to the houses that border the site, two footpaths and a small area of Swinston Hill Road. Overall, the site has a restricted visual envelope.

Overall, it concludes that there would be a change from an open rough-grassed field to residential development, but this would be in the context of the existing built development within the town. An attractive scheme could be developed that complements the local townscape and would have a minimal effect on the wider landscape.

Flood Risk Assessment

The report concludes that the site is within Flood Zone 1 and may be classified as a site with a low residual flood risk potential from fluvial sources and that the proposed development type is appropriate for this location.

The assessment notes that all other identified source of potential flood risk can be managed for the lifetime of the proposed development and that the development is suitable for this location.

Furthermore, the assessment indicates how the site may be suitably and safely drained to manage runoff from the new impermeable areas, and by using Sustainable Drainage Systems, can positively contribute local flood risk management and optimise bio-diversity and amenity benefits.

Drainage Scheme

Several drawings and documents have been submitted which provide details on how the site will be drained and where the connections to the existing infrastructure will be.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

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

SP56 'Car Parking Layout'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

The revised NPPF came into effect in February 2019. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

National Planning Practice Guidance (NPPG)

National Design Guide

South Yorkshire Residential Design Guide

RMBC Adopted Supplementary Planning Documents:

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

Dinnington Neighbourhood Plan

Publicity

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

- Concerns regarding getting onto and off of our drive when the new road is being built and after.
- Concerns regarding workers vehicles parking while work is going on.
- The access to public transport is poor, the nearest bus stop where there is a service is 0.5 miles away.
- Concerns over the amount of large heavy traffic and debris on Swinston Hill Road during the construction phase.
- There needs to be a clear view in both directions from Rowerfields when pulling onto Swinston Hill Road.
- What will the construction hours be?
- There are concerns as to where the entrance road to the proposed site joins Swinston Hill Road. The planned entrance is due to curve within metres of our living room wall, potentially placing us in danger. There

is no apparent reason for the bend in the road and consideration should be placed to make the road straight.

- Noise generated from vehicles passing close to our house.
- During the construction phase there will be issues with the volume of traffic along Swinston Hill Road.
- The link through from the cul-de-sac at the end of the estate to the footpath that runs along the south-east of the site boundary (Footpath 13) is welcome, but that section of footpath should be improved and widened. This will become a much more urban footpath than it currently is and it needs to be suitable surfaced and of a sufficient width.
- There are no traffic calming measures in place or proposed.
- There is already a high volume of traffic on this road.
- The schools, dentists and doctors are already in short supply and impossible to get appointments.
- The details of the access road and site layout have taken no account of protecting our privacy or amenity.
- The access road has been designed to run directly adjacent our boundary with no room for any screening against noise or disturbance.
- The level of traffic using the road will be significant and without screening we will suffer substantial disturbance.
- The landscape masterplan shows a hedge to be planted along the boundary with our property. There does not appear to be sufficient space to plant a hedge in this way and the species to be used are mainly deciduous so would have no screening most of the year.
- Habitable room windows from plots 1-6 will overlook our garden.
- There are no details of levels.
- Some of the properties appear cramped.
- No. 168 has a pond in its rear garden where Great Crested Newts have been seen.
- There are concerns with the detail in the Construction Environment Management relating to construction hours, site access, control of dust and dirt.

2 Right to Speak request has been received from a local resident and the applicant.

Consultations

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

RMBC – Affordable Housing Officer: No objections the scheme will be 100% affordable.

RMBC – Tree Service: No objections subject to conditions.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Drainage: No objections subject to conditions.

RMBC – Environmental Health: No objections.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Education: No objections as the scheme is 100% affordable no education contribution is required.

RMBC – Air Quality: No objections subject to the EV Charging details being implemented in accordance with the submitted plan.

RMBC – Green Spaces: No objections subject to the previous s106 monies being secured for improvements to nearby play areas and setting up of a Management Company.

RMBC – Ecology: No objections subject to conditions.

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

South Yorkshire Combined Mayoral Authority (formerly South Yorkshire Passenger Transport Service): No comments have been received but bus stop improvements still secured via the s106 and the Deed of Variation.

The Environment Agency: No objections.

Severn Trent Water: No objections.

Sheffield Area Geology Trust: No objections.

South Yorkshire Archaeology Service: No comments have been received, the previous condition on the outline has been discharged.

NHS Rotherham CCG: No objections.

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

Yorkshire Wildlife Trust: No objections.

Appraisal

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

(a) the provisions of the development plan, so far as material to the application,

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

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

This application is a reserved matters application to assess the matters reserved in the determination of the outline application (RB2021/0060). Whilst the outline application only specifically considered access to the site, matters relating to appearance, landscaping, layout and scale were given some consideration and weight in the determination of the outline application, due to nature of the application. In addition, concerns raised at the time of the outline application by local residents in terms of principle of development, impact on highway networks, impact on local amenities (including GP surgeries and Schools), ecology, flooding, air quality and general disamenity were given consideration and the board report for the outline application is appended to the agenda for information.

A reserved matters application as stated in the National Planning Practice Guidance 'Making an application' relates to those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application (i.e. reserved for later determination). These are defined in article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

The outline application (RB2021/0060) provided a detailed consideration and assessment of the principle of developing this site for residential. However, it is worth reiterating that this site, whilst formally Green Belt under the now superseded Unitary Development Plan, was removed from the Green Belt and re-allocated for Residential purposes within the Adopted Local Plan Sites and Policies Document (2018). This followed an extensive public consultation, culminating in an Examination in Public, whereby a Planning Inspector appointed by the Secretary of State found the Sites and Policies document to be acceptable and thus removing this site from the Green Belt and re-allocating it for Residential purposes. The site has since formed part of Housing Site H81 (total area 7.45ha) and the Sites and Policies Document indicates that the total site area has a capacity of approximately 243 dwellings.

From a land use perspective, the development of the site for Residential is acceptable and the principle of developing the site for approximately 46 dwellings has been established in the approval of the outline application. Accordingly, the principle of this development cannot be revisited during the determination of this reserved matters application.

In addition, the access arrangements were considered and deemed to be acceptable in respect of highway safety and the additional traffic movement to and from the site on the local road networks was considered and deemed acceptable during the determination of the outline application by the Council's Transportation Infrastructure Service, subject to conditions. Accordingly, matters relating to the access into and out of the site, the impact on local road networks, also cannot be revisited during the determination of this reserved matters application.

It is also of note that both the outline and the current reserved matters application satisfy the relevant sections of the Dinnington Neighbourhood Plan.

Given the issues of principle, and access have been fully considered under the outline application, they cannot be considered under this reserved matters application. In addition, matters relating to the impact of the development on local amenities such as Schools and GP Surgeries, flooding of the site, pollution impacts, noise, and ecological impacts were all considered during the outline stage and no concerns were raised.

The main considerations in the determination of the application are:

- Design, Scale and Appearance
- Impact on Highways
- Landscapes, Trees and Open Space
- Ecology / Biodiversity
- Drainage and Flood Risk
- General amenity issues – contaminated land, noise and air quality
- Impact on existing/proposed residents.
- Archaeology

- Other issues raised by objectors
- Planning Obligations
- Other considerations

Design, Scale and Appearance

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

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

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

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

The NPPF at paragraph 124 states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 130 adds: *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”*

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

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

The site has been suitably designed in line with the parameters and conditions of the outline application. There is a single vehicular access from Swinston Hill Road as approved by the outline application, which leads down into the development site along the eastern boundary of the site before it sweeps west and then runs in a north to south direction. There are properties to the west of the access road close to the junction with Swinston Hill Road,

then within the wider development area properties are located either side of the access road with a couple of off-shots with properties again either side.

There is scope to access the remainder of the site allocation to the east for vehicular traffic, if the site were to come forward for development, but there might be issues due to the level of tree planting in the next parcel of land. There is also a footpath link in the southern boundary to the adopted Public Right of Way (Footpath No. 13) that runs along the southern boundary of the site, but which sits outside of the allocation and the applicant's control. Furthermore, there is a footpath link to the west to link up to the Taylor Wimpey development that is currently being constructed.

There is also potential to access land, should owners of properties on Swinston Hill Road decide to sell off parts of their gardens, for further backland development, as others along Swinston Hill Road have done in the past. This would obviously be subject to other material planning considerations, should anything come forward in the future. Accordingly, the scheme hereby proposed would not stymie the potential development of neighbouring land.

There is an area of public open space to the west of the site adjacent the Taylor Wimpey development, each property proposed would have an appropriate amount of private amenity space and a level of on-site car parking in line with the Council's adopted Standards. Furthermore, the existing and proposed dwellings would be sited in accordance with the spacing distances set out in the South Yorkshire Residential Design Guide.

The scheme provides a mix of two, three and four bed properties in mainly semi-detached forms, albeit with some mews and would all be two-storey.

In light of the above it is considered that the development would not appear cramped or constitute overdevelopment of the site. Furthermore, the scheme has been provided with acceptable private/public amenity spaces, appropriate spacing standards and the required number of parking spaces per dwelling, as well as links to neighbouring existing and future development.

It is considered that the individual design of the properties, with their materials and design features / details would represent an acceptable and appropriate form of development on this site and in this location which would give the new estate a distinctive appearance that will enhance the character of the area.

In addition to the above the proposed boundary treatments in and around the application site would be acceptable and would further enhance the appearance of the estate.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the

NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme.

Impact on Highways

Paragraph 109 of the NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

CS14 ‘Accessible Places and Managing Demand for Travel’ states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel.

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

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

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

The site layout conforms with guidance from both the South Yorkshire Residential Design Guide and Manual for Streets. The site has been designed to a 20mph speed limit and the developer has confirmed that they will fund the traffic regulation order and any appropriate signage / road markings associated with it. Accordingly subject to conditions there are no objections to the proposed layout in a highway context.

The proposed car parking facilities for each property is in accordance with the Council’s minimum residential car parking standards as required by Supplementary Planning Document No 12. Further to this additional visitor parking bays are proposed within the development site.

When assessing the outline application in 2019, the Transport Statement considered a scheme for 40 No dwellings so the current application from a transportation aspect is for an additional 6 No dwellings. The TS has highlighted that the site is well located in terms of access to local amenities and facilities and that a pedestrian / cycle link is to be provided to the recently

approved housing scheme to the west and a footpath link to an existing public right of way (Dinnington Footpath No 13). The point of access has been assessed and visibility can be achieved in accordance with Manual for Streets.

The plan assessed the existing pedestrian, cycling and public transport facilities in the area and concluded that sustainable travel opportunities for residents and visitors to the proposed development are reasonable. Local amenities and facilities in Dinnington are within a reasonable walk / cycle distance of the proposed development and bus services to Rotherham / Worksop are also within a reasonable walking distance. The S106 signed with the outline confirmed the requirement of £500 per dwelling and this will be brought forward in the reserved matters application.

The scheme complies with both national guidance and industry standards, it is in accordance with the Local Plan and National Planning Policy Framework in that it promotes sustainable travel / transport, it has safe and suitable access for all highway users, the scheme if implemented will not have an unacceptable impact on highway safety and the residual cumulative impact on the road network will not be severe.

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

In light of these comments, it is still the case that the proposed spacing of the junction and proximity to the access to Rowenfields complies with guidance. Furthermore, the alignment of the proposed road has a design speed which will be reflected with the proposed 20mph speed limit that will be introduced as part of the development. Bends such as the one proposed, are not uncommon in new housing estate layouts and indeed contribute towards effecting lower vehicle speeds, creating a safer highway environment for all road users.

Concerns have also been raised that there are no traffic calming measures, the bend in the access road off Swinston Hill Road together with the internal road being designed in accordance with Manual for Streets, which imposes a 20mph speed limit are considered sufficient measures in this instance.

There have also been concerns over the design of the access road, it is of note that the first 10m of the access road from Swinston Hill Road was approved under the access consideration of the outline application. The remainder of the internal road has been considered as part of this application and the Council's Transportation Infrastructure Service have raised no objections to its design or impact on neighbouring residents.

Additional comments have been made by local residents in respect of construction traffic, in terms of parking of construction vehicles, and an increase in vehicular traffic both during the construction phase and once the scheme has been completed. Whilst there will be inevitably be some disruption, if / when the development starts, it is expected that the building contractor will abide by the 'considerate contractor' guidance and to work with affected residents to minimise any disruption. The revised submitted Construction Environment Management Plan provides details of the site access, which will be the access previously approved under the outline application and provides a plan which shows the location of site compounds, site offices and parking of construction workers vehicles. This would all be within the site in the south-east corner of the site, in a location furthest away from existing properties on Swinston Hill Road.

It is of note that the Council's Transportation Infrastructure Service have raised no objections to the submitted revised Construction Environment Management Plan, which shows the construction access details, the location of parking for workers during the construction phase and the route around the site. There is also no concerns about the increased traffic during the construction phase which will be negligible and have little impact on the number of vehicular movements along Swinston Hill Road.

Taking the above into account, and subject to the applicant entering into a S106 agreement for the sustainability contribution, there are no highway reasons to refuse planning permission in a highways context. Accordingly, the scheme is considered to be in compliance with the relevant paragraphs of the NPPF, Local Plan policies CS14 'Accessible Places and Managing Demand for Travel', and SP26 'Sustainable Transport for Development' and the relevant guidance including the Council's adopted Parking Standards, Manual for Streets and South Yorkshire Residential Design Guide. Other matters such as parking provision on the site will be assessed at the reserved matters stage.

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

A local resident has raised concerns that the footpath no. 13 which runs parallel with the southern boundary of the site should be enhanced by being widened and an improved surface. Whilst noted, the footpath is outside of the applicant's control, as such it would be unreasonable to request that works are carried out by the applicant to this footpath. Furthermore, no s106 monies were requested under the outline in order for the enhancement of this PROW, therefore such a request cannot be made at this stage. It is of note that if it were considered appropriate, the Council's Public Rights of Way Officer would have raised this matter during the outline application.

Further to the above, the request by the then South Yorkshire Passenger Transport Executive (now part of the South Yorkshire Combined Mayoral Authority) at the outline application stage in respect of the requirement for the developer to pay for bus stop improvements which was secured by the s106 will again be secured by the Deed of Variation.

The concern raised by the local resident that public transport in the area is poor, is noted and there has been a significant change in public transport services throughout the Borough, which is outside of the Council's control and is for the bus company's and the South Yorkshire Combined Authority. However, the requirement to improve the existing facilities outside the site will hopefully increase the demand for such services.

Landscape and Trees, and on site provision of open space

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

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

Landscapes

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

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

- 4) Landscape character impact – the retention of existing boundary vegetation will offer screening and setting for the development. Existing vegetation to boundaries is indicated to be retained.

- 5) A Landscape Assessment will be needed to assess and manage the impact of potential new development on landscape character and on natural landscape features such as trees and hedgerows. This has been provided and has been reviewed.

6) Development proposals shall provide a strong structural landscape framework within which this development will sit. The appropriate long term management and maintenance of any existing or newly created Green Infrastructure assets within the development will need to be explored and funded. A landscape masterplan has been provided. Any landscape mitigation planting needs to be informed by an assessment of the likely effects of the development.

The Council's Landscape Design Service have reviewed the Landscape appraisal and largely concur with its findings and do not raise any objections on landscape grounds. In summary, both the landscape and visual effects will be greatest (moderate adverse) during construction and for receptors in close proximity to the site (Viewpoints 1 – 5 & 8) but reducing to beneficial after 15 years.

Initial construction effects for Viewpoint 6 (PROW near Lakeland Drive) and Viewpoint 7 (PROW parallel to the southern boundary) are predicted to be minor adverse reducing to negligible adverse over time.

Viewpoint 8 (Swinston Hill Road) will experience major adverse effects in the short term neutralising to beneficial effect after 15 years.

The Landscape Masterplan has also been reviewed and consider the landscape proposals acceptable.

Therefore, from a landscape perspective the development is considered to be acceptable subject to the development being carried out in accordance with the submitted Landscape Masterplan, which will be conditioned. Accordingly, the scheme would comply with the policy requirements detailed above.

Trees

In respect of trees a condition on the outline approval was that with any subsequent reserved matters application a Arboricultural Method Statement (AMS) would be required. A AMS has been submitted as part of this application and has been assessed by the Council's Tree Service.

In addition to which a Tree Survey, a Tree Protection Plan and Arboricultural Impact Assessment (AIA) have also been submitted for consideration.

The scheme will involve the loss of 6 individual trees, 5 groups of trees and part of 2 hedgerows to allow for access to the footpath at the south and adjacent plot 34 from the site. Further pruning work will be required to other trees within the site.

The new proposed tree planting detailed in the Landscape Masterplan will go towards mitigating for the required tree removals in the longer term and this should be conditioned as per the landscape comments above.

With regard to the report submitted the Tree Service have noted that these are acceptable and fit for purpose.

The AIA notes there is a high impact to a group of trees in the south-east corner of the site identified as G25 in relation to possible future pruning pressure due to shading and/or other factors.

Pruning the overhanging crowns back to fit in the dwellings is not ideal and will result in similar shade and nuisance issues in the medium term. The required pruning works are detailed and assessed within the AIA.

While it is recommended that the trees are pollarded, the trees are situated outside the site area and therefore such works would require the consent/cooperation of the tree owners. In the event that the tree owners do not wish to undertake works it is still possible to undertake pruning of lateral overhanging branches within the site. In order to achieve this, it is likely pruning will need to be undertaken using a mobile elevating work platform.

Ongoing cyclic pruning is likely to require a mobile elevating work platform accessing the garden via the temporary removal of a garden fence section. Such works can be undertaken via a management plan on a basis of every three to five years.

Therefore, whilst removal of some trees and hedgerows is required to facilitate the development their loss would not be substantial, and the replacement planting proposed in the Landscape Masterplan will mitigate the loss. Therefore, subject to a condition requiring the tree protection fencing to be erected prior to the commencement of any works (including demolition of the existing house) and maintained until the development is complete, the proposal would raise no issues in respect of tree loss and would comply with the policies outlined above.

Public Open Space

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

Policy SP37 states:

“a. Residential development schemes of 36 dwellings or more shall provide 55 square metres of Green Space per dwelling on site to ensure that all new homes are:

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

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

The development of dwellings would require 55 sq. metres of public open space on site. This would equate to 2,530 sq. metres, the indicative layout plan submitted with the outline proposes an area of public open space to the west of the site adjacent to the Taylor Wimpey site and would equate to approximately 1,376 sq. metres which is below the threshold. However, all but a small portion of the site would be within 280 metres of the adjacent public open space off Birkdale Avenue known as the Swinston Hill Recreation Ground which can be accessed through the neighbouring Taylor Wimpey site and even the properties in the far south-east corner of the site would only be approximately 286 metres away. As such the public open space proposed on this site together with the majority of the site being within 280 metres of a public open space would be sufficient to satisfy the requirements of SP37 a)(i).

The same level of public open space is proposed with the detailed layout plan submitted as part of the application and this is considered to be acceptable for the reasons set out above.

Further to the above, as the site does not fall within 400m of equipped play so a contribution of £390.69 per unit plus a £2,450 contribution to ongoing maintenance costs was agreed and secured via the s106 with the outline application. This will be secured via the Deed of Variation.

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

Ecology / Biodiversity

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

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

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

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

Conditions imposed on the outline application required the submission of details of bat and bird boxes and an Ecological Impact Assessment.

A document showing the type and location of bat and bird boxes has been submitted. It shows that there will be 10 bat boxes on the gable ends of 10 of the properties and 45 bird boxes in groups of 3 of the gable ends of 10 different properties. The type, number and location of the boxes are acceptable, and they shall be implemented prior to the dwelling to which they are located is first occupied and shall thereafter be retained and maintained. There will also be holes within fences and the route which can be taken by hedgehogs and other similarly sized animals.

The Ecological Impact Assessment sets out several recommendations to mitigate and impact and to ensure there is an enhancement, these include:

- A BS:42020 Construction Environmental Management Plan (CEMP: Biodiversity)
- Ecological Enhancement Plan
- Detailed Landscaping Plans
- A Lighting Plan

The Council's Ecologist has indicated that the recommendations above are acceptable and should be suitable conditioned. It is of note that these documents, apart from a lighting plan have been submitted with the application, therefore the compliance with these documents will be conditioned and a further condition requiring details of lighting to be submitted will also be included. Furthermore, as requested by the Council's Ecologist an up-to-date bat survey has also been submitted.

The updated bat survey registered that a Common Pipistrelle Day roost was identified behind the fascia board of the existing dwelling on site, as such any works to demolish the building will impact on that roost.

As a Common Pipistrelle Day roost has been identified in the existing dwelling, it will be necessary to obtain a bat licence from Natural England prior to demolition of the building and this falls outside of planning legislation, but any planning decision does not override the need for the applicant to obtain this licence, as failing to do so would be a criminal offence. However, the granting of that licence will only be possible once planning consent has been granted for the site.

No nesting bird activity was observed during the surveys.

The bat survey provides a mitigation strategy which notes that:

- No works shall commence on the demolition of the existing building until a Natural England Licence has been obtained.
- A bat box shall be erected close to the existing dwelling on an adjacent tree or as a last resort on a pole.
- The existing building should be demolished during October and March when bats are less likely to be present.
- If the works are to be undertaken at other times of the year, the gap behind the fascia board will be sealed by the ecologist with a strip of plastic that will enable bats to escape but not to return to the roost. This will remain in place for a period of five days before the removal of the fascia boards and initial roof strip in the area of the roost which will be undertaken with due care in the presence of the ecologist.
- Integrated bat bricks will be installed in 10% of the new dwellings to provide additional bat roosting opportunities across the site

Further to the above, an Invasive Non-Native Species Survey (INNS) was submitted for consideration. The survey aims to ensure that the presence of invasive non-native species (INNS) on the site are identified and managed through development in order to ensure compliance with relevant legislation and environmental responsibility.

The Survey has not identified the presence of INNS within or in the immediate vicinity of the site, as such the development can proceed without constraint from invasive weeds at the present time.

The Council's Ecologist has confirmed that the bat survey and its mitigation strategy (set out above) is acceptable, and this shall be suitably conditioned to ensure it is adhered to.

In addition, they have confirmed that they are satisfied with the enhancement proposed in the Ecological Enhancement Plan and this should also be secured by condition. Similarly, the Construction Method Statement raises no ecological issues and should too be suitably conditioned.

In respect of lighting, bats can be impacted by artificial lighting as a result of the proposed development. The provision of a lighting plan was mentioned in the earlier version of the EclA (May 2022) and in previous ecological comments. No lighting plan has been submitted; however the provision can be secured via a condition.

Further to the above, the Yorkshire Wildlife Trust has raised no objections to the application.

Finally, it is acknowledged that a resident has indicated that Great Crested Newts have been witnessed within their pond in the rear of their property, which sits to the east of the proposed access road. Great Crested Newts (GCN) are European protected species and the animals and their eggs, breeding sites and resting places are protected by law. Work should cease immediately if any are found on the application site and the relevant licences should be obtained from Natural England.

It is of note that none of the various Ecological reports for the application have found evidence of Great Crest Newts on the application site itself, however a survey of the pond itself has not been carried out.

Nevertheless, as a result of the claim by the resident and given the optimum time for carrying out such a survey is mid-April to mid-June, the Council's Ecologist has confirmed that the applicant should apply to obtain a District Level Licence (DLL) from Natural England before development can be determined and this can be relied upon by the Council as confirmation that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations. This method is used instead of the need for an environmental DNA (eDNA) assessment of the ponds and confirms the developments eligibility and intention to enter the DLL and fulfils the ODPM Circular 06/2005.

The applicant provides survey data if it is available, however Natural England on receipt of the application use their own risk zone maps and pond layer if no survey data is required.

In this instance, the applicant has applied to Natural England for a DLL Certificate, and this has subsequently been issued and counter signed by the applicant and Natural England. The DLL confirms that the site lies within a Green Zone which is ranked the lowest in the hierarchy of Natural England's mapping areas and are defined as areas with fewer GCN's. Accordingly, developers are able to use DLL's in these areas

The certificate is also confirmation that the applicants' obligations to GCN can be met via DLL and requires them to pay a sum of money amounting to £4,131 to Natural England towards the creation and improvement of habitat to help increase their population nationwide. The applicant can use this certificate towards their planning application instead of providing a mitigation strategy for GCN and going down the mitigation licensing route.

Natural England have confirmed that they do not require any surveys to be completed for DLL enquiries/applications, however the Local Planning Authority must ensure that the development meets the tests outlined in the Habitat's Directive. These tests include:

- 'no satisfactory alternative'
- 'imperative reasons of overriding public interest' (IROPI)

In relation to both of these tests, the Council's Ecologist is satisfied that sufficient information has been provided within the submitted Design and Access Statement to address each of these points.

In the first instance, whilst reports of newts within the pond on neighbouring land have been reported, this man-made structure is considered to be sub-optimal habitat for GCN's and none of the ecological surveys have found any evidence of them on the application site itself. Furthermore, the applicant has designed the site layout to retain features of high ecological value and taken all reasonable steps to ensure that biodiversity on site does not decrease. This, in addition to the fact that the site is allocated for residential development and has the benefit of outline planning permission suggests that there is no satisfactory alternative.

In respect of the imperative reasons of overriding public interest test, the applicant will be required to demonstrate this when proceeding with their application to progress their DLL. Natural England have a standard application for this that requires the submission of information in relation to the benefits of bringing the proposed residential development forward. These include long term public benefits such as the creation of housing or employment opportunities to meet the needs of the local area. In this regard, the Local Authority are satisfied that this can be evidenced due to the allocation of the site for residential development in the local plan, which went through examination in public by an independent inspector to ensure (in part) that the housing needs of the borough will be met for the plan period. On that basis, it is considered that the applicant has assessed the potential for impact on GCN's appropriately through Natural England's DLL scheme and officers are satisfied that the development meets the tests outlined in the Habitat's Directive.

Having regard to all of the above, the information provided and subject to conditions the proposal would not adversely affect biodiversity and will provide net gains for biodiversity. Accordingly, the scheme would be in compliance with paragraph 174 of the NPPF and Local Plan policies CS20 Biodiversity and Geodiversity'; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species'.

Drainage and Flood Risk

The Site Development Guidelines states the areas down stream of this site are known to be at high risk from surface water flooding. A Flood Risk Assessment will be required for any development on this site and additional

restrictions may be imposed on discharge rates. On-site flood risk from overland flows should be assessed.

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

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

Conditions imposed on the outline application required the submission of an up-to-date Flood Risk Assessment, Flood Routing Plan and drainage details with any reserved matters application. All of the documents and drawings have been submitted and have been considered by the Council's Drainage Engineer.

The Council's Drainage Engineer has indicated that the information submitted with the application is acceptable and that the requirements of the FRA should be adhered to and the flood routing drawing details should be implemented accordingly. These matters will be secured by conditions.

With regard to the drainage details submitted the Council's Drainage Section has confirmed that the information is sufficient to satisfy the condition imposed on the outline and as such the submitted details can be conditioned as well.

Further to the above Severn Trent have indicated that foul is proposed to connect discharge into the sewer on the adjacent development. The sewers on the adjacent development are under adoption therefore would need approval from the current owner to connect to this sewer. Post sewer vestment, this will be subject to a formal section 106 sewer connection approval. Due to the potential impact to the downstream sewage pumping station, a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

The above, if needed will be secured outside of planning and as such Severn Trent have not recommended any planning conditions.

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

General amenity issues – land contamination, noise and air quality

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."*

Construction Phase

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs.

The Construction Management Plan submitted with this application has been considered by colleagues in Highways, Environmental Health and Drainage.

The Plan includes details of construction hours (Monday – Friday: 8:00am - 6:00pm; Saturday 9:00 – 1:00pm and Sunday/Bank Holidays: No Work). It also states that *“Heavy goods vehicles should only enter or leave the site between the hours of 8:00am – 6:00pm Mondays to Fridays and 9:00am - 1:00pm Saturdays and no such movements will take place on or off the site on Sundays or Public Holidays.”*

It also provides details of the location of the site compound and construction workers vehicles during the construction phase, which will be in the south-east corner of the site away from the rear of properties on Swinston Hill Road.

Details of dust control, prevention of mud on highway and control of noise is also included. In terms of dust control it indicates that measures such as water bowsers, sprayers whether mobile or fixed, or similar equipment will be used when necessary; wheel wash facilities, and road sweepers will be employed to minimise mud on the highway. In respect of noise best practice set out in BS5228:2009 'Noise Control on Construction and Open Sites' will be implemented.

It is noted that concerns have been raised regarding the number of construction vehicles and the noise of such vehicles close to residential properties. These concerns are noted, and whilst such a development will inevitably result in some disruption during the construction phase, it is considered that the implementation of the details set out in the CEMP will minimise such issues.

Air Quality

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

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

Air quality in the Dinnington area is generally good, however emissions to air resulting from all new developments should be mitigated. The proposed development for up to 46 dwellings is classified as a Medium proposal as set out in the adopted Rotherham SPD 'Air Quality and Emissions'.

Box 3 of the SPD includes the following mitigation options:

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

The application has been submitted with a plan showing each property being provided with an EV Charging Point. It is considered that this provision is acceptable and subject to a condition ensuring that prior to each property being occupied the EV charging point for that property is provided and thereafter maintained, the scheme would comply with policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 110 of the NPPF.

Land Contamination

Policy SP54 'Contaminated and Unstable Land' states that: *"Where land is known to be or suspected of being contaminated, or development may result in the release of contaminants from adjoining land, or there are adverse ground conditions caused by unstable land, development proposals should:*

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any water course or ground water;*
- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;*
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;*
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use."*

The land is currently occupied by a dilapidated residential property complete with a large overgrown garden area within the northern section of the land and a large grassland pasture within the southern portion of the site.

The application site is currently bounded by residential housing to the north, east and west and by open land to the south.

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

For the above reasons Intrusive Site Investigations were undertaken on the 18th of March 2021 and 10th January 2022 to determine both the geotechnical and geo-environmental ground conditions across the site to assess if any significant soil and groundwater contamination associated with the past historical uses of the site could impact on the proposed residential development of the site.

The site investigation works comprised the excavation of 31 trial pits. 2no. samples of made ground and 4 samples of topsoil were collected from across the site to assess for contamination. The soil samples were submitted to an accredited laboratory for chemical testing.

From a review of the site investigation information, ground conditions typically comprised of shallow made ground from 0.25 – 0.3m below ground level. Contamination observations included the presence of asbestos cement sheeting within the north-western area of site near trial pit TP03. Rare ash was also noted within the made ground and is most likely from burnt building remains or bonfires. No groundwater was encountered in any of the exploratory or monitoring boreholes.

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

However, throughout both intrusive site investigations several areas existed on site that were not accessible at either time of the investigation. Whilst an appreciation of the ground conditions and the area of the proposed Public Open Space has been determined, further exploratory investigation is required.

Post demolition of the remaining structures on site, investigation works should be carried out in the following areas:

1. In the north-western corner of the site where a former historic tank was situated
2. In areas below existing structures (barns/sheds/derelict property etc) in the north and north-west areas of site. It is possible there may be remnant foundations/basements associated with former historic buildings

3. Asbestos containing materials (ACMs) have been identified around the former trial pit TP03. It is also expected that ACMs will be present within the fabric of the remaining structures on site. Further delineation and asbestos screening of potentially impacted soils is required.
4. Both site investigation reports have recommended that a geophysical survey be undertaken to assess for any further potential anomalous features that may be present due to the variable ground conditions across the site.

The investigations undertaken to date have confirmed the presence of a natural highwall around the proposed area of public open space, that has the potential to impact on foundations. All foundation works therefore will need to be undertaken in accordance with the findings of the report entitled 'Swinston Hill Road, Dinnington – Additional Ground Investigation Letter Report' – prepared by GRM Development Solutions Ltd, dated 18th March 2022, reference P9891/Let02.

Residential development is proposed for the site which could introduce a sensitive receptor (i.e. human health) to the site with the potential for exposure to soil contamination, if present, in private gardens or areas of soft landscaping. In conclusion it is recommended that further limited Phase II Intrusive Investigation is undertaken to assess for the potential presence and extent of contamination in areas where access was previously restricted.

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

In light of the above it is considered that subject to conditions the application site can be suitable for residential development.

Impact on existing/proposed residents

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."*

The South Yorkshire Residential Design Guide (SYRDG) notes that: *"For the purposes of privacy and avoiding an 'overbearing' relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth."*

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule. Furthermore, so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 degree rule.

Further to the above the NPPF at paragraph 130 states, in part, that planning decisions should ensure that developments “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*”

It is noted that residential properties exist immediately to the north of the site on Swinston Hill Road and to the west on the new Taylor Wimpey Development off Wentworth Way. Representations have been received claiming that certain dwellings in the proposed development (mainly plots 1 to 6) will overlook rear gardens of properties on Swinston Hill Road.

The initial plans submitted with the application showed that plots 1 to 4 had rear gardens of a substandard length which would have resulted in rear habitable rooms being within 10 metres of neighbouring private gardens.

Discussions with the developer have secured a revised scheme which shows that no habitable room window of a new property would be within 10 metres of a boundary with another property. Therefore, whilst the neighbours have still raised concerns, the spacing distances are now in compliance with the South Yorkshire Residential Design Guide and as such it is considered that a refusal could not be justified in this instance and it is considered that on balance the proposed properties would not give rise to levels of overlooking, loss of privacy or appear overbearing from existing neighbouring properties and the proposal would not result in the loss of daylight to rear gardens or rear habitable rooms of existing properties which surround the site.

In addition to the above it is of note that the inter-house spacing standards between properties within the development site satisfies the requirements of the SYRDG. Furthermore, each property is provided with sufficient and appropriate amount of private garden space, and the internal size of each property meets or exceeds the requirements set out in the Nationally Prescribed Internal Spacing Standards. As such the future residents of the development site will be provided with sufficient internal and external amenity space and will not be subject to overlooking, overshadowing or a loss of privacy.

With the above in mind, it is considered that the proposed development adequately addresses how the development does not affect the amenity of existing residents. The proposal is therefore considered acceptable and in accordance with the guidance contained within the SYRDG and adopted Local Plan policy SP55 ‘Design Principles’.

Archaeology

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

As part of the Local Development Framework Development Sites Assessment in 2012, Wessex Archaeology assessed the archaeological potential of a large area, which includes both the current application and the wider site to

the west. It found that: *“As the site lies within 500m of Romano-British and prehistoric finds there is a medium possibility of disturbing remains from these periods of unknown significance.”* The Heritage Impact Assessment which was submitted with this application, having reviewed some of the available archaeological and historical evidence, concluded that that archaeological evaluation is appropriate here, to characterise the archaeological potential.

The outline application imposed a condition that required the submission of an archaeological evaluation of the application, prior to the submission of the reserved matters application. It is noted that a discharge of condition application was submitted and subsequently approved, after the submission of the required report which South Yorkshire Archaeological Service agreed with the details in the report. SYAS have confirmed that the archaeological fieldwork has been completed, and a report has been produced, as such no further archaeological work is required at the site.

Other issues raised by objectors

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

Furthermore, the issue around impact on local infrastructure such as schools and GP services were considered at outline stage. The Council's Education Service indicated that a financial contribution was not required as part of the outline application and as such this cannot be requested now. It is also of note that as this application is now for 100% affordable housing, the Council's Policy does not allow for an education contribution against an affordable dwelling.

In addition, the NHS confirmed at the outline stage that the size of the development would not increase demand on these facilities.

Furthermore, the NHS has confirmed that for the Dinnington area, our estates strategy details that the local practice likely to be impacted operates from three sites in Dinnington, North Anston and Woodsetts and has adequate space within the multiple sites for current activities.

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

Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) Subject to paragraph (2A), A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development;*
- (c) fairly and reasonably related in scale and kind to the development."*

All of the tests must be complied with and the planning application must be reasonable in all other respects. This is echoed in Paragraph 57 of the NPPF.

In this instance the planning obligations and their associated trigger points for their delivery were set as part of the approved outline permission (RB2021/0060) which included:

- Affordable Housing in line with policy CS7 'Housing Mix and Affordability' (25% of final units to be affordable)
- Financial contribution of £500 per dwelling towards sustainable travel measures to support the development)
- Financial contribution of £2,369 towards improvement to bus stop 35841 controlled by South Yorkshire Passenger Transport Executive to support the development.
- Financial contribution of £750 towards the installation of a kissing gate on adjacent footpath (Dinnington Footpath No. 13)
- Financial contribution of £390.69 per dwelling in respect of the installation of equipped play on the adjacent green space (Swinston Hill Recreation Ground) and £2,450 towards ongoing maintenance costs.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.

As mentioned previously the scheme is now for 100% affordable housing, as such there is no requirement within the s106 to include this, instead a condition will be used to secure the affordable housing. It is of note that the s106 will be worded so that should this developer not build out the site for any reason then another developer would still have to provide a minimum of 25% affordable housing as set out in the s106 secured via the outline.

All the other requirements set out in the s106 secured via the outline are still applicable and will be included within a Deed of Variation legal agreement, which the Council, landowner and developer will enter into to secure all but the affordable housing requirement above.

The final cost for the sustainable transport equates to £23,000 and the final figure towards improvements to the Swinston Hill Recreation Ground equates to £ 17,971.74 plus £2,450.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 57 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

Other Considerations

In respect of SuperFast Broadband the condition imposed on the outline application remains valid and does not need to be reimposed on this application and the two applications run concurrent. Similarly, the requirement for a Waste Management Plan which was required under the outline remains relevant.

Conclusion

Having regard to the above it is noted that the principle of development and the access (including the first 10m) has been established via the outline application and as such matters of principle cannot be revisited. However, the site is allocated for residential within the Local Plan and thus the principle of residential development has been well established.

The scheme is acceptable in terms of highway safety, provision of open space, drainage, ecology and landscaping as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of market and affordable housing provision and associated social and economic benefits arising from such provision. Development in this location will support the ongoing delivery of services and facilities within the local area and provide much needed market housing to meet Local Plan targets for housing development within the Plan period to 2028.

Overall the scheme is considered to be in accordance with the Development Plan and with the policies in the NPPF. As such, the proposal is recommended for approval, subject to the signing of a S106 Deed of Variation legal agreement as set out above and to the following conditions.

Conditions

General

01

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

LP01 – Location Plan

SL01 rev P8 – Site Layout Plan

21134-HT-01 A – HL 70 House Type

21134-HT-02 – HL85 Shared Ownership House Type
21134-HT-03 – HL85 Affordable Rent House Type
21134-HT-04 – NT1 Shared Ownership House Type
21134-HT-05 – NT1 Affordable Rent House Type
21134-HT-06 – HL71 House Type

MB01 rev C – Boundary Treatment Plan
21134 rev A – EV Charging Location Plan
RS01 rev C – Refuse Strategy
2062-101 – Proposed Bus Stop Works

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 application form and shown in the Materials Schedule Document, ref: 21134_A_Materials Schedule, dated 8 February 2023. The development shall be carried out in accordance with these details, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

03

The development shall provide 100% affordable housing across the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of securing affordable housing.

Construction Management Plan

04

The development shall be carried out in accordance with the details contained within the Construction Environment Management Plan dated 06 January 2023, prepared by Hooper Urban Partnerships and the supporting drawing reference CMP_01 rev A. The approved measures shall be implemented throughout the demolition and construction period unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety and residential amenity.

Highways / Transport

05

The details shown on drawing number 2062-101 – Proposed Bus Stop Works shall be implemented before the improved bus stop is brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

06

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.

07

Before the construction of roads and dwellings, details of road sections, constructional and drainage shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

Landscapes and Trees

08

Landscaping of the site as shown on the approved plan (drawing no. DR-5929-01G) shall be carried out during the first available planting season after commencement of the development and maintained for the lifetime of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

09

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until the scheme for the protection of existing trees and hedgerows, detailed in the Arboricultural Method Statement (Ref: MG/7003/AIA&AMS/REV C/FEB23) with associated Tree Protection (Ref: TBA Drawing: Tree Protection Plan. Drawing No. 7003.02 Revision C. Date: February 2023.) has been installed on site and has been approved in writing by the Local Planning Authority.

All tree protection methods detailed in the Arboricultural Method Statement (Ref: MG/7003/AIA&AMS/REV C/FEB23) with associated Tree Protection (Ref: TBA Drawing: Tree Protection Plan. Drawing No. 7003.02 Revision C. Date: November 2023) 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.

Evidence shall be submitted to the Local Planning Authority show that the development is being carried out in accordance with the approved method statement and tree protection plan. This could include a written record of the project arboriculturist site visits and/or a set of photos of the detailed tree protection fencing in place throughout the duration of the development, as detailed in APPENDIX B – Site Inspection pro-forma of the Arboricultural Method Statement (Ref: MG/7003/AIA&AMS/REV C/FEB23).

Reason

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

Sustainable development/Air Quality

10

Prior to the occupation of a dwelling, the EV charging point for that dwelling shown on drawing number 21134 rev A (EV Charging Location Plan) shall be provided and operational. The EV charging point shall thereafter be retained.

Reason

In the interests of sustainable development and air quality.

Ecology

11

The bat & bird box details shown within the 'Bat and Bird Box Plan' document, prepared by Brooks Ecological (ref: ER-5929-02B) shall be implemented prior to the occupation of the dwelling which they are located on, or prior to the completion of the development for those not sited on properties. The Hedgehog Provision set out in the same document shall be implemented prior to the site being completed. All measures shall thereafter be retained and

maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

12

The mitigation measures set out within Section 6 of the submitted Bat Survey Report dated 12th August 2022, prepared by Witcher Wildlife Ltd. (ref: 220327) shall be implemented unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

13

Prior to any lighting being installed on the site, a “lighting design strategy for biodiversity” for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy before the development is complete, and they shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To ensure that there is no light pollution that could impact on local wildlife and local wildlife sites.

Drainage

14

The drainage works shall be carried out in accordance with the details contained within the submitted Drainage Technical Note document, prepared by Alan Wood & Partners, dated December 2022 (ref: JAG/CD/JR/46825-Ten001-Rev B), unless otherwise agreed in writing with the Local Planning

Authority. The drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

Reason

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and in accordance with Policy CS25 of the Local Plan.

15

The development shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment, prepared by NeoFlood Ltd (ref: R01A-A60), unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

16

The development shall be carried out in accordance with the flood routing details set out in drawing numbers SHR-AWP-ZZ-XX-DR-C-3001_P3 and SHR-AWP-ZZ-XX-DR-C-3002_P3 unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

Local Labour Agreement (Constructional Phase)

17

Prior to the commencement of construction works, 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'.

Informative(s)

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must

serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

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

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

It is noted that a small pipistrelle roost was identified in the existing dwellinghouse that is to be demolished. Therefore a licence is required before works to demolish the building can lawfully proceed.

03

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

04

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

05

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2022/1460 https://rotherham.planportal.co.uk/?id=RB2022/1460
Proposal and Location	Siting of caravans to provide staff living accommodation at Glades Nursing Home, Falcon Way, Dinnington
Recommendation	Grant Conditionally

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

Site Description & Location

The site of application relates to the Glades Nursing Home, which occupies a former high status country house formally known as Dinnington Hall. The property is Grade II* Listed and dates from the mid C18th. The house is attributed to the prominent C18th architect James Paine with later additions associated with the famous architect John Carr. The property has been significantly extended with a large range of extensions relating to the nursing home that has been built in its grounds, mainly to the rear of the property. To the north of the site are the former Grade II listed stable block and mews house now converted into a veterinary practice. The property falls within the Dinnington Conservation Area. The surrounding area around the Nursing Home is almost entirely residential except for the veterinary practice to the north.

Background

There is a long planning history relating to the site in connection with its former use as a hotel and latterly as a nursing home. This includes a number of Listed Building Consent applications and works to trees in the grounds of the property, none of which relevant to the current application.

Proposal

The application seeks full planning permission for the siting of 2 No. static caravans in the grounds of the Nursing Home for staff accommodation. One caravan would be in the north-eastern corner of the site on the edge of an existing car park. The location of the first caravan (position A) is directly to the south of the Grade II Listed former stable block and mews house.

The location of the second caravan is to the southwest of the site, to the side of a range of extensions to the original building in the landscaped grounds of

the site. The caravan would be sited directly to the rear of Nos. 16 to 18 Carver Drive.

The applicant has indicated that the caravans are required to house migrant workers who due to their immigration status and low wages struggle to rent properties locally.

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, (and also falls within the Dinnington Conservation Area). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy:

CS23 'Valuing the Historic Environment'

CS29 'Community and Social Facilities'

The Rotherham Sites and Policies Document:

SP 11 'Development in Residential Areas'

SP40 'Listed Buildings'

SP41 'Conservation Areas'

SP43 'Conserving and Recording the Historic Environment'

SP55 'Design Principles'

SP62 'Safeguarding Community Facilities.'

Other Material Considerations

South Yorkshire Residential Design Guide

National Planning Practice Guidance (NPPG).

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

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

Publicity

The application has been advertised by way of press and site notice as the proposals affects the setting of the Listed Building and as the site is located within the Dinnington Conservation Area. In addition, individual neighbour notification letters have been sent to adjacent properties. The Council has received 18 separate objections from local and neighbouring residents, and an additional objection from Dinnington Town Council.

The comments are summarised below:

Dinnington Town Council

- The Town Council do not consider that the accommodation is appropriate for housing.
- The proposed static caravans are not appropriate within the setting of a Listed Building.

Neighbouring residents

- The jobs do not have to be filled only by Phillipino staff they could be undertaken by other nationalities.
- The Nursing Home could recruit local staff.
- There is available housing locally that could be provided for the staff.
- The accommodation is not suitable for permanent habitation.
- Trees may need to be felled for the development.
- The proposed static caravans would harm the setting of the surrounding Listed Buildings and are not appropriate in a residential area.
- Concerns about potential overlooking of neighbouring properties and loss of privacy.
- Concerns about security and privacy of staff at the neighbouring vets as there is no security fence in situ.
- How would utilities be connected to the caravans?

The Council has received 5 right to speak requests from objectors.

Consultations

RMBC - Transportation Infrastructure Service: Raise no objections to the proposals in highway terms.

Historic England: Have indicated that they have no comments to raise.

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
- Design, layout and scale and impact on the setting of the Grade II* Listed Building and adjacent Grade II Listed Buildings and the Dinnington Conservation Area.
- Impact on neighbouring amenity
- Other issues raised by objectors

The principle of development

Policy SP 11 'Development in Residential Areas' states that: "Residential areas identified on the Policies Map shall be retained primarily for residential uses.

All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

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."

The proposal is for the siting to 2 No. static caravans for residential use in the grounds of the Nursing Home. The site is within an area allocated for residential use in the Adopted Local Plan.

The applicant has stated that they have struggled to recruit staff at the site, and they are recruiting migrant workers for the role who due to their immigration status and lack of references can struggle to access the local rental housing market. Concerns have been raised by residents that the jobs at the site do not have to be fulfilled by migrant workers and why not local residents. However, the origin of the workers is not a material planning consideration and cannot be taken into consideration in regard to this application.

However, consideration needs to be made in respect of the need for the business to recruit staff. It has been well publicised that the care sector is struggling to recruit for staff, and it is very much in the public interest for the sector to do so. Concerns were raised with the applicant about the impact on the setting of the designated heritage assets from the siting of the proposed caravans and it was suggested that the static caravans could be sited on a temporary basis.

The applicant agreed to this suggestion and agreed that the caravans could be sited for a temporary period of 3 years. This is considered to be reasonable as it would address the immediate shortage and would give time for workers to access more appropriate permanent accommodation, or for the applicant to look at more permanent solutions on site, perhaps in the form of an extension to the existing accommodation. As such, it is considered that the development is acceptable in principle on a temporary basis of 3 years. At the end of that period, the static caravans would have to be removed from the site.

Design and appearance and impact on the designated heritage assets including the Dinnington Conservation Area.

In terms of the impact on the special character and appearance of the Grade II* and Grade II Listed Buildings on site, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The site of application also falls within the Dinnington Conservation Area. Under Section 69 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, a conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

The following Policies are relevant when looking at the impact on listed buildings and the Dinnington Conservation Area:

Local Plan Policy CS23 'Valuing the Historic Environment' states that: "Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (which includes amongst other things that): d. Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest."

Policy SP40 'Listed Buildings' states that: "Development proposals affecting a Listed Building or its setting will be considered against the following principles:

- a. special regard will be given to the preservation of Listed Buildings and structures. Therefore substantial harm to or demolition of a Listed Building will be strongly resisted;
- b. the significance of a Listed Building can be harmed by unsympathetic extensions or alterations to its appearance, plan form or replacement of windows. Extensions and alterations to a Listed Building will only be considered acceptable where they relate sensitively to the Listed Building and preserve or enhance the special interest and significance;
- c. the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable;
- d. the best use for a Listed Building is usually that for which it was designed, however other uses may be considered acceptable provided they do not harm the significance of the Listed Building. Where significant alterations are required that potentially harm the Listed Building it will be necessary to demonstrate that the original use of the Listed Building is no longer viable or sustainable and that the proposed alterations are necessary to secure the long term survival of the Listed Building;
- e. the Council will support proposals and alterations to Listed Buildings in order to mitigate climate change only where such proposals respect the significance of the Listed Building and do not have an adverse impact on its appearance, character or historic fabric;
- f. the Council will take necessary measures to ensure that neglected Listed Buildings are appropriately repaired and / or reused;
- g. where appropriate, proposals will be supported which enhance or better reveal the significance of a Listed Building or structure."

Policy SP41 'Conservation Areas' states that: "Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles (amongst others) developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings."

Policy SP 43 'Conserving and Recording the Historic Environment' states that: "All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its

setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan.”

The National Planning Policy Framework (NPPF) states at paragraph 194 that: “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Paragraph 195 of the NPPF states that: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Paragraph 197 adds that: “In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

Paragraph 199 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Finally, paragraph 200 states that “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II*

registered parks and gardens, and World Heritage Sites, should be wholly Exceptional.”

The new National Design Guide expands upon the guidance within the NPPF and sets out the basis for the consideration of good design.

In terms of general design issues and the impact on the character of the area, Policy 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.”

With regards to the impact on the setting of the Grade II* and Grade II listed buildings and the Conservation Area, it is considered that the siting of the static caravans is out of character with the suburban residential area and is wholly inappropriate in their historic setting.

It is considered that the presence of the proposed static caravans in the proposed locations leads to less than substantial harm to the setting of the listed buildings and the Conservation Area. As such, in accordance with paragraph 200 of the NPPF the development needs “clear and convincing justification” to become acceptable in policy terms.

In this instance, it is considered that there is a justified requirement for the static caravans for the Nursing Home to provide affordable temporary living accommodation for their staff. Whilst alternative forms of accommodation could be provided, such as the Nursing Home purchasing housing in the local area for their staff to rent, this is likely to take time. Also, the current labour market shortages may also change over time. As such, it is considered that a three year temporary permission to provide the immediate need for housing of staff provides the clear and convincing justification in this instance.

Impact on neighbouring amenity

Policy 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.” It adds that: “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;
- g. the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing...”

Paragraph 130 of the NPPF states: “Planning policies and decisions should ensure that developments (amongst other things):

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.”

With regards to neighbouring amenity, it is noted that neighbouring residents raised concerns about loss of privacy from the proposed static caravans. Whilst this is noted, it is considered that in the Position B there is good existing boundary treatment in situ in the form of a fence which would prevent overlooking of the residential properties on Carver Drive.

With regards to Position A it is noted that the static caravan would be located within a car park area to the rear of the vets. Whilst no fencing exists in this location, it is noted that there is good boundary treatment in terms of hedging and trees. Furthermore, owing to the commercial nature of this neighbouring property it is not considered necessary to require additional boundary treatment.

Owing to the single storey nature of the static caravans, it is considered that the amenity of neighbouring occupiers of these static caravans would not be harmed in terms of overbearing impact.

Other issues raised by objectors

Other issues raised by objectors include concerns about how utilities would be brought to the caravans. Whilst this is noted, this would be a matter for Building Regulations and is not a material planning consideration.

It is noted that objectors raise concerns that the applicant could rent properties privately within the local area. Whilst this is noted, it would be a longer term option for the applicant, and it is considered that the applicant has provided clear and convincing justification for their requirement for temporary accommodation at this site.

A neighbouring resident raised concerns about the impact on trees at the site. However, it is considered that the static caravans are located away from existing trees at the site. Furthermore, as they are static caravans no foundations would be formed so it is unlikely to have any impact on trees at the site.

Conclusion

In conclusion, it is considered that the proposed static caravans would materially harm the setting of the surrounding designated heritage assets including the Grade II* Listed Nursing Home and the Dinning Conservation Area. However, it is considered that for the aforementioned reasons the applicant has provided clear and convincing justification for accommodation at this site for a temporary period of 3 years.

The development, subject to conditions, is considered to be acceptable in this instance and would not harm the residential amenity of neighbouring residents and occupiers. The proposals are also considered to be acceptable in terms of highway safety and impact on trees.

Conditions

01

This permission shall be valid for 3 years only from the date of this permission and at the end of that period (unless further permission be granted by the Local Planning Authority prior to the end of that period) the static caravans shall be wholly removed and the site restored in a manner to be agreed with the Local Planning Authority.

Reason

To protect the setting of the adjacent designated heritage assets and Dinnington Conservation Area in accordance with Policies SP40 'Listed Buildings' and SP41 'Conservation Areas.'

Informative

01

The Council is unlikely to grant further extensions to the 3 year period due to the visual impact on adjacent Listed Buildings and the Dinnington Conservation Area. Furthermore, more appropriate permanent accommodation should be sought for staff if it is still necessary after the temporary period expires.

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.