

**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 23<sup>rd</sup> November 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.

<b>Application Number</b>	<b>RB2023/0472</b> <a href="https://rotherham.planportal.co.uk/?id=RB2023/0472">https://rotherham.planportal.co.uk/?id=RB2023/0472</a>
<b>Proposal and Location</b>	Application to vary conditions 2, 4, 7, 11, 14, 15, 17 & 18 imposed by RB2019/0061, land rear of 91-95 Worksop Road, Aston
<b>Recommendation</b>	<p>A That the Council enter into a Deed of Variation to the Legal Agreement completed under application RB2019/0061 through Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• a commuted sum of £70,000 towards affordable housing in the area.</li> <li>• Establishment of a Management Company to manage and maintain all communal landscaped/open space areas and woodland buffer zone as shown on the Proposed Layout Plan.</li> </ul> <p>B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



### Site Description & Location

The site is located to the east of Aston village on Worksop Road which serves as a main route from the centre of the village to the M1 motorway. The northern and part eastern boundaries are defined by a landscaping buffer of mature hedges and woodland, which are within a Local Wildlife Site (Foers Wood), and the woodland is also covered by TPO No. 13, 1975. To the west is an open field that forms further potential development land and is located to the rear of residential properties at 69-89 Worksop Road. The site is located within the designated Aston Conservation Area and has an overall site area of approximately 0.85 hectares.

### Background

RB2000/1275 - Residential development (22 dwellings) – REFUSED

01

The Council considers that the development of the site would conflict with Planning Policy Guidance Note No.3 (Housing) in relation to its ranking in terms of the requirements of sustainability, the sequential test and greenfield assessment. In the light of the above, the site should not be developed while more appropriately located sites, and in particular brownfield sites, remain undeveloped.

02

The Council considers that the proposed development would be likely to cause material harm to the ecological interest of the woodland area to the north of the site by virtue of the works required to provide surface water drainage from the site and by the effect of such waters upon the natural drainage of the area.

RB2000/1276 - Residential development - TREATED AS WITHDRAWN

RB2004/2064 - Application to fell 4 silver birch trees protected by RMBC Tree Preservation Order No 13 1975 - GRANTED

RB2013/1508 - Erection of 16 No. dwellings & associated works – REFUSED 24/06/16.

01

The proposal, if implemented, would generate additional pedestrian traffic along this part of the B6067 Worksop Road, where there is no footway on the southern side and a footway of substandard width on the northern side, such that safe and suitable access to the site cannot be achieved by all people, contrary to paragraph 32 of the National Planning Policy Framework

02

The Council considers that insufficient information has been submitted to understand the implications of the development on the hydrology of the site, and how it impacts on the adjacent Foers Wood Local Wildlife Site, contrary to Unitary Development Plan Policy ENV2.2 'Interest outside Statutorily Protected Sites' and paragraphs 117 and 118 of the National Planning Policy Framework.

03

The Council further considers that the proposed development would have an adverse impact on ecology adjacent to the site, and in particular at the western end where no 'buffer' zone between the development and the boundary of the site is provided, contrary to Unitary Development Plan Policy ENV2.2 'Interest outside Statutorily Protected Sites' and paragraphs 117 and 118 of the National Planning Policy Framework.

RB2019/0061 - Erection of 7 No. dwellinghouses with associated access & landscaping - GRANTED CONDITIONALLY, Subject to S106 agreement

Community Infrastructure Levy:

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

A screening opinion is not required for this development as it does not meet the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is not within a 'sensitive area' (such as a Site of Special Scientific Interest).

## **Proposal**

The application seeks to vary the conditions relating to planning permission RB2019/0061 for 7 detached dwellinghouses. The changes to the approved plans involve the following:

- Changes to approved plans condition 02, to allow the repositioning of plot 7 and a repositioned pumping station, further away from the woodland. In addition, the design of the dwellings have been amended in a more modern style as opposed to the post modern style of the original scheme.
- Changes to the on site drainage scheme condition 04 to meet the requirements of Yorkshire Water and to reflect the levels on site, which requires additional pumping facilities.
- Changes to the highway access condition 7
- Changes to the trees conditions 11 & 14 to reflect the layout changes
- An amended landscape condition 12 to reflect the changes to the layout.
- An updated ecology report 15 to reflect the passage of time and the amended layout

The site area, excluding buffer zone provision, is approximately 0.59 hectares.

The following supporting documents have been submitted:

### Updated Ecological Impact Assessment

- The mature scattered trees on the site are of high ecological value with them providing habitat and a food source for a variety of species. The tall ruderal habitat is of low ecological value as it is dominated by nettle with limited species present. The scrub habitat is of moderate ecological value as it provides food and shelter for a variety of species.
- The hedgerows around the site are of poor quality and are growing on the neighbouring land and will remain in place. The watercourse to the north is a Habitat of Principal Importance under the NERC Act 2006 but this is outside the site and the works will have no impact.

Mitigation.

- A corridor along the northern end of the site adjacent to the LWS will be

retained and will be planted with mixed scrub and trees to replace the areas where there is currently ruderal vegetation and bramble.

- A small area of scrub at the northern end of the site will be retained and enhanced.
- There are two small areas of open space adjacent to the site entrance. These will be seeded with a species rich amenity grass and wildflower mix and a band of mixed native scrub will also be planted.
- A number of trees on the site will be retained and a total of fifty-six good quality native trees, mainly oak, will also be planted across the site.

#### Residual Effect.

- With the above measures in place this will deliver a 2.5% biodiversity net gain of area habitats on the site and a 100% net gain on hedgerow biodiversity units. This will have a moderate positive residual effect at a site level.

#### Flood Risk Assessment

7.1 As the site falls within Flood Zone 1, flood mitigation measures are required for groundwater flooding within the north end of the site and in the event of a catastrophic storm or blockage of the existing or proposed sewers. The following precautionary mitigation measures are, therefore, recommended:-

7.1.1 The finished floor levels to the properties shall be raised above general external levels by a minimum of 150mm.

7.1.2 The proposed dwellings will be designed without any basements and ground floors shall comprise solid concrete slabs or beam and block floors with screed construction.

7.1.3 Incoming electricity supplies shall be raised above ground floor level and ground floor electric sockets shall be served by loops from upper level.

7.1.4 In the unlikely event of flooding of the site, it would be appropriate to design external levels with falls to non-critical areas, such as landscape, where the water can pond without causing danger for people or damage to buildings.

7.1.5 Overland run-off from third party land should be dealt with at the site boundary by providing a cut-off drain or similar and diverting the flow to the north of the site.

7.1.6 Overland water from perched water intercepted during construction should be dealt with by the introduction of a cut-off drain or similar, and diverting the flow to the north of the site.

7.2 A 40% increase in rainfall shall be incorporated into any new positive drainage system to satisfy the requirements of climate change.

7.3 Foul water domestic waste should discharge to the 300mm diameter public foul/combined sewer recorded crossing the site.

7.4 In accordance with the drainage hierarchy, disposal of surface water via infiltration and to a watercourse have been discounted due to feasibility and viability. There are no surface water sewer systems within the immediate vicinity of the site. As such it is proposed surface water runoff from impermeable surfaces generated at the site will be directed to the public combined sewer.

7.5 Surface water drainage shall discharge to the public combined sewer in the south of the site at a restricted discharge rate of 3.5 l/s in accordance with Yorkshire Water correspondence.

7.6 A detailed design and supporting calculations shall be submitted to the Planning Authority for approval prior to construction on site.

7.7 No special mitigation measures are required for emergency egress during times of flood.

7.8 Subject to compliance with the above, the proposed development can satisfy the requirements of the National Planning Policy Framework and the Planning Practice Guidance in relation to flood risk.

#### Arboricultural Method Statement

Sets out the recommended protection measures during the application process, to ensure those trees to be retained are protected.

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

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

The application site is within an area identified for Residential purposes in the Local Plan and is within the Aston Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy.

CS14 'Accessible Places and Managing Demand for Travel'  
 CS20 'Biodiversity and Geodiversity,'  
 CS21 'Landscapes'  
 CS23 'Valuing the Historic Environment'  
 CS25 'Dealing with Flood Risk'  
 CS28 'Sustainable Design'  
 CS33 'Presumption in Favour of Sustainable Development'

The Rotherham Sites and Policies Document – June 2018.

SP11 'Development in Residential Areas'  
 SP26 'Sustainable Transport for Development'  
 SP32 'Green Infrastructure and Landscape'  
 SP33 'Conserving and Enhancing the Natural Environment'  
 SP41 'Conservation Areas'  
 SP43 'Conserving and Recording the Historic Environment'  
 SP55 'Design Principles'  
 SP56 'Car Parking Layout'  
 SP57 'Sustainable Construction'

### **Other Material Considerations**

Supplementary Planning Document No. 2 Air Quality and Emissions- Adopted June 2020.

South Yorkshire Residential Design Guide.

National Planning Practice Guidance (NPPG).

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

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

### **Publicity**

The application has been advertised by way of press notice and site notice as the site is within the Conservation Area and individual letters have been sent to neighbouring properties. The Council has received 6 letters of objection.

The objectors state that:

- The original conditions should be retained.
- The developer is just seeking to save money on the development as opposed to enhance the development and the surrounding wildlife etc.
- The proposed drainage arrangement will not have an acceptable impact upon the adjoining woodland.
- Potential harm to ecology during the construction phase.
- No details of proposed fencing.
- A lighting plan is required to prevent harm to the woodland.
- No details of who will manage the proposed drainage.

Sheffield and Rotherham Wildlife Trust states originally objected to the scheme but following the submission of the Ecological Impact Assessment and additional drainage information have withdrawn their objection.

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

### **Consultations**

RMBC - Transportation Infrastructure Service: No objections to amended scheme showing appropriate highway visibility splays, subject to appropriate conditions.

RMBC - Tree Service Manager: No objections to amended arboricultural survey retaining additional trees and providing adequate protection for existing trees.

RMBC – Drainage: No objections subject to appropriate condition.

RMBC – Ecologist: Accepts the findings of the updated ecology report and recommends a relevant condition.

Yorkshire Water: No objections

Sheffield and Rotherham Wildlife Trust has no objections

RMBC – Affordable Housing Officer: Agrees to a commuted sum of £70,000 for off site affordable housing provision, as per original approval.

### **Appraisal**

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

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

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

The principle of the development has already been established as part of the original permission as such the main considerations in the determination of the application are:

- Design and layout including impact upon the Aston Conservation Area
- Ecology/Biodiversity matters
- Tree Issues
- Flood risk and drainage
- Highways
- Residential amenity
- Affordable Housing
- Other matters raised

#### Design, scale and appearance including impact on Aston Conservation Area

In general design terms 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 also 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."

Policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states 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.

With regards to the setting of the Aston Conservation Area, Section 69 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, notes that 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. 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 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 197: "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."

The site is located within Aston Conservation Area and the large detached dwellings have been designed to reflect the detached inter war properties fronting onto Worksop Road. Chimneys have been added to the dwellings, as well as natural stone feature bays. The dwellings are to have a more modern design overall as opposed to the post modern style of the original approval. However, they are considered to be of a high quality and represent a modern interpretation of some of the traditional properties surrounding the site. The inclusion of high quality materials, feature gables, bay windows and regular fenestration result in a development which is respectful to the surroundings whilst offering an attractive and modern form of development. This more

modern approach is considered acceptable in this part of the Conservation, which has a variation in house types from the 20<sup>th</sup> century.

It is considered that the scheme has been sympathetically designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Therefore the scheme is considered to be of an appropriate size, scale, form, design and siting that would ensure it would enhance the quality, character, distinctiveness and amenity value of the borough's landscapes and will be visually attractive in the surrounding area.

The scheme is not considered to harm the Conservation Area with only a small section of front walling to be removed to allow for the formation of the new vehicular access. Additional walling and tree planting is proposed to compensate for any impact and the area will retain its low density suburban character.

It is therefore considered that the proposal is in keeping with the style and character of the Conservation Area and as such would therefore continue to preserve and enhance the Conservation Area. As such the proposals accords with the guidance and policies referred to above.

#### Ecology/Biodiversity matters

Paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

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

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

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

- a. Protected species;
- b. Species of principal importance for the conservation of biodiversity;
- c. Species prioritised for action within the Rotherham Biodiversity Action Plan;
- d. Populations of species associated with statutorily protected sites.

Measures to mitigate and, or compensate for, any impact must be agreed prior to development commencing and should be in place by the time development is brought into use.”

The applicant has submitted a preliminary ecological appraisal (Witcher Wildlife, March 2023) and an ecological impact assessment (Witcher Wildlife, September 2023) in order to aid the variation of conditions from the initial planning.

### *Breeding Birds*

In line with the report it should be conditioned that if any vegetation or structures are required to be removed as part of the development then this should be undertaken outside of the bird breeding season (March to August inclusive).

### *Bats*

The site is adjacent to a local wildlife site that has multiple bat records and the bat surveys recorded bats foraging on-site. The site will require a low-level lighting scheme prepared by a lighting engineer to ensure there is no light spill onto the boundary vegetation during both the construction phase of the development and when in-use. Artificial lighting design needs to be designed in accordance with the ‘Guidance Note 08/23: Bats and Artificial Lighting At Night’ Institute of Lighting Professionals, 2023.

### *Biodiversity Enhancements and Net Gain*

The ecological impact assessment outlines some potential enhancements to be installed.

The site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in line with the National Planning Policy Framework Paragraph 180 (d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design. The site will require, as outlined by the ecological impact assessment 2 bat boxes, 2 swift boxes and hedgehog holes between any fences, boundaries, railings, walls etc and the provision of this information and implementation should be conditioned.

The applicant has also submitted a biodiversity net gain metric and referenced this within the ecological impact assessment. This outlines a 2.5% increase in habitat units and a 100% increase in hedgerow units. It has therefore been demonstrated that there would be no net loss of biodiversity as required by Local Plan Policy SP33.

Overall, subject to mitigation and relevant conditions, the impact on both wildlife and biodiversity is considered to be acceptable.

### Tree issues

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

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

The proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. Following Officer's advice an additional mature Lime and Cherry tree have been retained to the front of the site. The contents of the amended report and its recommendations are noted and accepted by the Council's Tree Service Manager. Of the existing trees, those positioned towards the northern and eastern site boundaries provide useful amenity and screening that is likely to increase with the development.

According to the submitted details, some existing trees and shrubs will be removed to accommodate the development. The removal of trees and shrubs will result in a partial reduction of amenity and any associated benefits. However, a landscape condition has been attached requiring additional landscaping to provide a good level of amenity and biodiversity gain in the future. The indicative masterplan shows a range of additional tree planting throughout the site, including additional planting within the buffer to the ancient woodland.

A number of conditions have been proposed to be attached to any approval in order to protect the trees during the construction phase.

### Drainage

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

The site is within Flood Zone 1 (areas deemed to be in flood zone 1 have been shown to be at less than 0.1% chance of flooding in any year) and a

flood risk assessment and drainage details have been submitted in support of the application.

In its current undeveloped condition, the soil will attenuate rainfall and release it slowly over several hours, and this is what a standard attenuation scheme is trying to replicate. Previous schemes have tried to replicate the runoff into the woodland more closely and exfiltrate surface water into the woodland. As noted above, the surface water scheme proposed incorporates attenuation pipes in the road which feed to a piped system around the woodland, discharging into the stream at the western end of the wood. The development would, therefore, divert the water falling on new impermeable surfaces around the woodland to discharge downstream of it, a net loss of water to the woodland however is calculated. However the change in the amounts of water draining to the woodland will be small and the impact on the woodland of these changes is discussed above.

Downstream of the discharge point there will be no significant effect on flood risk, upstream of this within the woodland, if anything it will be reduced, so the current proposals are acceptable to the Council from a drainage perspective and accord with above mentioned policies.

#### Highways issues

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

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

The NPPF notes at paragraph 109 that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The previous refusal for residential development on the site in 2016 included a reason relating to concerns that the proposed development would generate additional pedestrian traffic along this part of the B6067 Worksop Road, where there is no footway on the southern side and a footway of substandard width on the northern side, such that safe and suitable access to the site cannot be achieved by all people. This development is for only 7 dwellings, down from the previous 16, and as such the footway is considered adequate to accommodate the low level additional pedestrian traffic using the footway.

In addition, the level of development has previously been approved and this application does not increase or decrease the number of units which can be implemented.

A number of objectors have raised concerns regarding the access onto Worksop Road and the potential impact upon highway safety. The proposed access to Worksop Road has been designed in accordance with guidance from Manual for Streets and the South Yorkshire Residential Design Guide and the Transportation Unit consider it acceptable in a highway context. All properties will have 2 or more car parking spaces, as well as garages, preventing awkward on street parking and allowing the highway to open for the free and safe flow of traffic.

The development is also located within a sustainable location, within walking distance of a bus stop, local pub and shops to the centre of Aston. As such the need for car bound journeys will be reduced. An objector has raised concerns that the new HS2 route may sever the bus route on Worksop Road. There is currently no final scheme for HS2 and the Worksop Road may be retained with a bridge link.

Finally a condition has been attached requiring electric car charging points for each dwelling. This will encourage more sustainable travel modes and accord with Supplementary Planning Document 2 Air Quality and Emissions and Policy CS30 'Low carbon & renewable energy generation'.

Objectors note that the traffic surveys are out of date, and whilst the survey was undertaken in 2012 its findings are still accepted as relevant, and furthermore due to the pandemic, surveys over the previous 12 months would not have provided accurate traffic figures.

#### General amenity issues

Paragraph 127(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

With regard to the impact of the dwellings once constructed on the occupants of existing properties that surround the site, it is noted that spacing distances between rear elevations of the amended proposed dwellings and both the rear boundaries and rear elevations of surrounding properties satisfy the

requirements outlined within the South Yorkshire Residential Design Guide. There is at least 21 metres between principle elevations and at least 10 metres between principle elevations and rear boundaries. There are secondary windows in the side elevations of several of the proposed dwellings at first floor level and these are to be obscurely glazed where appropriate. Accordingly, the proposed dwellings would not give rise to any unacceptable overlooking or privacy issues.

In addition, the proposed dwellings would not appear overbearing or oppressive when viewed from neighbouring properties or from within adjacent private rear gardens due to the spacing distances, land levels and boundary treatments; and would not give rise to unacceptable overshadowing or a significant loss of direct sunlight and / or natural daylight.

Further to the above it is noted that the spacing distances between proposed properties within the site would all satisfy the spacing distances outlined in the South Yorkshire Residential Design Guide and all properties are provided with private rear gardens in line with the South Yorkshire Residential Design Guide. Accordingly, by virtue of the distance between properties, proposed boundary treatments, land levels and orientation of the site there would be no overlooking or privacy issues between properties and there would be no detrimental overshadowing of habitable room windows or proposed private rear amenity spaces. With regard to the pumping station this is a standard piece of equipment designed for residential areas, which will not give rise to any undue noise or odour.

Having regard to the above it is considered that the proposed amended layout would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development. Accordingly, the scheme would comply with paragraph 127(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

#### Affordable Housing

The affordable housing commuted sum agreed as part of the original approval , is to be retained as part of the amended 106 legal agreement to accompany the permission.

#### Other matters raised

Pumping Station

#### **Conclusion**

Having regard to the above it is considered that the amended proposed as part of the application would not have an adverse impact on ecology, in particular the adjacent Local Wildlife Site; the residential amenity of existing

and future occupiers; highway safety in this location; or on the Aston Conservation Area, subject to relevant conditions.

As such it is recommended that planning permission be granted subject to the signing of the related S106 agreement and to the following conditions.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be undertaken before development can start. Condition 11 of this permission requires matters to be undertaken before development works begin; however, in this instance the condition is justified because the works required under condition 11 are fundamental to the acceptability of the development.

01

The development hereby permitted shall be commenced before 19 January 2025.

Reason

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

02

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

(Proposed Site and Location Plan 0400E

(Proposed Plot 01 0401B)

(Proposed Plot 02 0402B)

(Proposed Plot 03 0403B)

(Proposed Plot 04 0404B)

(Proposed Plot 05 0405B)

(Proposed Plot 06 0406B)

(Proposed Plot 07 0407B)

(Proposed Garage 0408B)

Reason

To define the permission and for the avoidance of doubt.

03

No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces (including windows, doors & garage doors) of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning

Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

#### Reason

To ensure that appropriate materials are used in the construction of the development

in the interests of visual amenity

#### Drainage

04

Construction of dwellings shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

#### Reason

To ensure that the development can be properly drained.

#### Highways

05

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

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

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

The area shall thereafter be maintained in a working condition.

#### Reason

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

06

Prior to the occupation of the dwellings, details of one vehicle charging point per dwelling shall be submitted to and approved by the local planning authority. The dwellings shall not be occupied until the charging point has been provided, and shall thereafter be retained.

Reason

In the interests of sustainable development and air quality

07

Before the development is brought into use the sight lines indicated on Drg No 0401 – Proposed Site with Visibility Splays shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

In the interests of road safety.

08

Visibility splays 2.4 m x 59 m shall be provided at the site access to Worksop Road. The visibility splay shall be provided prior to the commencement of works on site and shall form part of the adopted highway.

Reason

In the interests of road safety

09

Before the road construction is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be carried out before the development is brought into use.

Reason

In the interests of road safety.

10

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

Reason

In order to promote sustainable transport choices.

11

When the proposed access has been brought into use, the existing access to the site shall be permanently closed and the footway / kerbline reinstated in

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

Reason

In the interests of road safety.

Trees and Landscaping

12

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 220315a MS, 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 220315a MS, 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.

Reason

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

13

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.

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

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

#### Reason

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

14

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. 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.

15

No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, as set out in the Arboricultural Method Statement dated 20/04/21, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

#### Reason

In the interests of the visual amenities of the area

#### Ecology

16

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect

nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason

In the interest of ecology

17

Notwithstanding the submitted details, before above ground works commence details of external / internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites.

Reason

In the interest of ecology

18

No development shall commence until Biodiversity Enhancement & Management Plans (BEMPs) for the site has been submitted to and approved in writing by the Local Planning Authority. The Plans shall provide a:

i) Description and evaluation of features to be managed and enhanced; including

1. Description of new landscape planting incorporating native plant species

2. Gaps of suitable dimensions (130mm x 130mm) should be provided at the foot of permanent perimeter and boundary fences at selected points to permit the movement of hedgehogs around the site post construction.

3. To ensure that holes are kept open 'Hedgehog Highway' signage should be provided (sourced by Peoples Trust for Endangered Species and/or British Hedgehog Preservation Society) and secured above the holes.

4. The location and number of bat roosting features should be included within the new residential properties

5. The location and number of bird nest boxes should be integrated into the new residential properties

ii) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;

iii) Aims and Objectives of management;

iv) Appropriate Management Actions for achieving Aims and Objectives;

v) An annual work programme (to cover an initial 5 year period);

For each of the first 5 years of the Plans, a progress report shall be sent to the Local Planning Authority reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period.

The Plans shall be reviewed and updated every 5 years to ensure their aims and objectives are being met. The approved Plans will be implemented in accordance with the approved details.

The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

#### Reason

To ensure no net loss in biodiversity across the sites.

19

All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment, Witcher Wildlife, March 2023 in section 4 as already submitted and approved.

#### Reason

To ensure no net loss in biodiversity across the sites in accordance with Local Plan Policy SP33.

#### Informatives

01

##### Wildlife Legislation

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

02

##### Nesting bird

Site clearance should ideally be outside of the bird nesting season. If vegetation clearance is required in the bird nesting season (March-August) then a qualified ecologist should be employed to check the area first and ensure that no nesting species are present. No works can take place whilst birds are actually nesting.

03

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

04

Any development of the land to the west will be assessed against the overall site in terms of matters such as affordable housing.

#### 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.