

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
21st March 2024**

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.

INDEX PAGE

RB2024/0001 Erection of 2 dwellinghouses at land at Elm Tree Road Maltby for RMBC	Page 16
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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 21st March 2024

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	RB2024/0001 https://rotherham.planportal.co.uk/?id=RB2024/0001
Proposal and Location	Erection of 2 dwellinghouses at land at Elm Tree Road, Maltby
Recommendation	Granted Conditionally

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



Site Description & Location

The site is approximately 0.05ha in size and comprises of brownfield land.

It is a decommissioned garage site and is an infill site in an otherwise linear residential frontage along Elm Tree Road.

Elm Tree Road runs along the south-east of the site, with two-storey residential dwellings to the north-east and south-west. Land associated with Maltby Redwood Academy is located to the north-west of the site. The site has a flat topography.

Background

There have been a number of previous planning applications submitted relating to this site but none since 1973.

Community Infrastructure Levy

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

Proposal

The proposals comprise of 2 three bedroomed, two-storey semi-detached dwellings.

The dwellings are set on the same front building line as those adjacent due to the requirement of the easement along the frontage of the proposals for the underground drain that runs here.

The building is of a pitched roof design, with habitable room window openings in the front and rear elevations and a secondary access door in the side elevation. The entrance door on the front elevation would be recessed with a covered canopy feature over.

The scheme will include materials which reflect the surrounding area.

4 car parking spaces are proposed across the site on the frontage of the site, with each property having 2 spaces each which run down the side of the property with a central pathway and grassed areas between.

Each property would have a private rear garden with additional grassed areas to the front.

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

Transport Technical Note

The Note provides details on the site proposals, the parking provision for each dwelling, public transport opportunities and cycle / pedestrian routes close to the site and further afield.

It concludes that on the proposed site, there are a suitable number of parking spaces proposed in line with the standards and green space at the rear of the dwellings. There is also cycle routes, suitable footways and a large number of local amenities a short distance from the site to visit or employment opportunities.

Preliminary Geo-Environmental Risk Assessment

The assessment provides details on the site, its environmental setting, potential for contamination and development considerations and is a desk-based study.

It recommends that an intrusive Site investigation is undertaken to assess the potential for contamination and ground gases to impact on the proposed development. The investigation will also refine the Site-specific ground model and groundwater regime and enable an assessment of foundation and engineering solutions to be made.

Sustainability Statement

This statement contains a holistic approach to maximising positive sustainability impacts and minimising the ecological footprint of the project.

The scope of this Sustainability Planning Statement relates to RIBA Stage 3 activities only. Therefore, this statement contains an overview of the proposed measures against Rotherham's sustainability planning requirements. Further action will be required beyond the scope of this statement to monitor the progress of each sustainability initiative.

The statement provides details on planning policy, as well as details on proposed sustainability measures in the development.

Development Plan Allocation and Policy

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

Core Strategy Policies

CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS30 'Low Carbon and Renewable energy generation'
CS33 'Presumption in Favour of Sustainable Development'

Sites and Policies Document Policies

SP26 'Sustainable Transport for Development'
SP52 'Pollution Control'
SP55 'Design Principles'
SP64 'Access to Community Facilities'

Other Material Considerations

The NPPF (as revised) states that "*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.*"

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

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide

National Internal Space Standards

Supplementary Planning Document

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

Maltby Neighbourhood Plan

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 9 letters of representation have been received from individual addresses and Maltby Town Council. The comments raised are summarised below:

- There is currently a severe parking situation in this area causing a hazard to pedestrians.
- The parking situation in this area means that at school drop-off / pick-up I cannot get off my driveway.
- With there being Redwood school close by this site is vital for a lot a parents in the area come school time and also much needed for the residents to reduce the congestion on the already busy roads.
- There will be an increase of cars on the streets due to it being closed. This has personally caused damage to my own vehicle and damage to my property which is still yet to be repaired.
- Also with 98% of the properties on the road being privately owned it doesn't make sense to build two newbuilds in the middle which will be social housing and also look out of place.
- The hedgerows in the place which provides a place for local wildlife to thrive with there being endangered bats in the area which could potentially use these I can't see how you could not disturb them during the builds.
- With all the current housing estates being built in Maltby and no extra doctors dentist appointments being available this is another key feature to be thought about there's only so much strain the local facility's can take before breaking point.
- The plans are for 3 bed houses with 1 car drives most families have multiple cars meaning they'll be parked on the road making it even more difficult for the residents to access their own drives which they've had to pay to be installed.
- All the surrounding houses will lose their privacy they have in their gardens and homes which is just make the local community attacked and vulnerable being some elderly residents.
- There has been flooding problems in the area due to drainage issues and the building work would make this worse if not resolved prior to any proposed building work taking place.

- On my deeds were allocated at car parking space when these houses were built in 1972 everyone on the left side of elm tree Road was allocated a space we still need it as a car park.
- Our drive is constantly block by parents picking up children from the school.
- I cannot maintain my garage and shed which sit on the boundary.
- The car park has a practical use in the area, there is no need to build two properties on it.
- The area would better be served as an overflow parking area for residents and visitors.

Maltby Town Council have objected to the proposed dwellings due to the lack of infrastructure in Maltby to support the project.

7 Right to Speak requests have been received from local residents, the Town Council and the applicant.

Consultations

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Ecology: No objections.

RMBC Land Contamination: No objections subject to conditions.

RMBC Drainage: No objections.

Sheffield Area Geology Trust (SAGT): No objections.

SuperFast South Yorkshire Broadband: 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
- © any other material considerations. – S. 70 (2) TCPA '90.

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

The main considerations in the determination of the application are:

- Principle
- Design considerations (including size, scale, form, design and appearance)
- General Amenity
- Impact on existing residents
- Highway impact
- Air Quality and Emissions
- Ecology

- Land Contamination
- Other issues raised by objectors

Principle

The site is allocated in the adopted Rotherham Sites and Policies Document for residential purposes and the site is an existing area of hardstanding. Accordingly, the site is a brownfield site, and the principle of residential development is acceptable from a land use perspective subject to the developments satisfying other relevant material planning considerations.

The proposal will provide 2 affordable dwellings which will be added to the Council's Housing Stock, this scheme will therefore assist in the Council's objective of adding 1000 new homes to the Council's Housing Stock by 2026.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means *"approving development proposals that accord with an up-to-date development plan without delay..."* This is further supported by policy CS33 'Presumption in Favour of Sustainable Development'.

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

In addition to the above it is noted that policy M4 'Affordable Housing' of the Maltby Neighbourhood Plan states: *"Housing development proposals should comply with, and wherever possible exceed, Rotherham MBC requirements with regard to the provision of affordable housing. Affordable homes should be made available at social rent levels or for affordable home ownership to assist those people wishing to purchase a home. The provision of smaller homes (3 bedrooms or less) and types that are suited to the needs of young people, young families, older people or those with a disability will be supported across all affordable housing tenures and types. The needs of local people should be prioritised."*

The proposals for 2 affordable dwellings exceed the requirements of the Council insofar as affordable dwellings are only required for schemes of 10 or more or where the site exceeds 1ha. Therefore, if a private developer were to develop this site there would be no requirement for them to provide affordable dwellings. In addition, the size of the dwellings as three-bed also meets the needs set out in the Neighbourhood Plan.

Design considerations (including size, scale, form, design and appearance)

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

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

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

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

Paragraph 131 of the NPPF states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 139 states *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

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

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

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

The building hereby proposed which will house the two new homes has been sympathetically sited. The building would have the same building line at the front as the existing buildings either side and the height of the building has been designed to reflect the difference in levels between the property to the left and right of the application site.

Whilst the design of the dwellings is different to that of the existing neighbouring properties, they do incorporate some design elements and would be constructed of similar materials to ensure that they amalgamate into the fabric of the streetscene.

It is therefore considered that the design of the properties are acceptable and raise no design issues. In addition, the size, scale, form and proposed materials will ensure the development would not be at odds with the character of the immediate surrounding area and would not introduce an incongruous feature.

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

Further to the above, Policy M1 'Promoting Good Quality and Distinctive Design' of the Maltby Neighbourhood Plan states: *"Development should enhance and conserve local distinctiveness by demonstrating high quality design that both respects the existing character and responds to the distinctive character of Maltby. Proposals should demonstrate regard to Local Plan Policy SP55, and respond positively to, the design principles of the Maltby Design Code. Proposals should also demonstrate how they have been informed by the general principles and concepts of the Maltby Masterplan."*

The Design Guide is not relevant for this site, but the proposals are considered to enhance the site and are of a high quality design that respects the existing character of the area.

General Amenity

Paragraph 136(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."

There is the potential for disturbance to the occupiers of nearby residential premises as a result of noise and dust nuisance from the proposed demolition and construction phases.

Therefore, in light of the above conditions shall be imposed in respect of construction working hours and construction practices to help minimise impact over the construction phase.

Impact on existing and future residents

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

In this instance there are no properties to the rear, as the school car park and the wider school site is located to the rear of the site. Therefore, there is no requirement to meet the 21m or 10m distances set out above as they relate to distances between dwellings and private rear gardens.

It is of note that in this instance the rear of the dwellings would be approximately 8.5m to the rear boundary with the school car park, which is less than 10m but the other properties on this side of Elm Tree Road also do not meet the distance requirement but are closer to the 10m than the proposed. Notwithstanding as there are no properties to the rear the reduced distance is considered acceptable in this instance and would not result in any overlooking or privacy issues to existing residential properties.

In addition, to the above each property would be provided with more than the minimum 60sq.m private garden and each of the houses meet the minimum internal space standards set out in the national guidance.

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

Having regard to the above it is considered that the proposed development would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development. Accordingly, the scheme would comply with paragraph 136(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

An objection has been received regarding privacy issues and overlooking of gardens and homes. However, as set out above there are no properties to the rear to overlook and there are no windows in the side elevation of the dwellings hereby proposed, therefore there is no overlooking or privacy issues relating to the properties either side.

A resident has raised concerns about the maintenance of their garage which abuts the site should the scheme come forward. Whilst noted this is not a material planning consideration and would be for the landowner to grant them access.

Therefore, for the reasons set out above the application would not give rise to any amenity issues to existing residents and future residents will be provided with sufficient internal and external space.

Highway impact

Paragraph 113 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 114 and 116 of the NPPF.

The Council's Transportation Infrastructure Service have confirmed that the provision of 2 car parking spaces for each of the 3 bed dwellings is in accordance with the Council's current parking standards. Therefore, the proposal should not be refused on highway grounds as the proposal would not result in an unacceptable impact on highway safety or a serve impact on the road network.

A number of the issues raised by objectors relates to current highway matters.

There have been concerns raised in respect of the neighbouring roads being used by parents for dropping off and picking up, block driveways; and that the land is vital for parents when dropping off and picking up and would be better to be used as an overflow for the school.

It is considered that whilst the comments above are noted, the land has always been in the Council's ownership and has never been a public car park in the past. People did park vehicles on the land in the past, but they had not received authorisation from the landowner to do so. Furthermore, the land for the last year or so has been fenced off and used as a site compound while work is being carried out in the area.

A further complaint has been made that a resident was allocated a parking space in the land on their deeds. The applicant has confirmed that following the closure of the garage, unauthorised parking by neighbouring properties took place on this site. The Council as landowner has never agreed to the site be used as additional parking and therefore the parking was unauthorised.

It is therefore considered that whilst the comments made are noted, the issues raised would not outweigh the fact that the dwellings hereby proposed each have sufficient in-curtilage parking in line with the adopted SPD 'Transport Assessments, Travel Plans and Parking Standards', and the issues raised regarding parents parking indiscriminately in the area at drop-off and pick-up times is not a material planning consideration for this application.

Accordingly, a refusal on highway grounds cannot be justified in this instance.

Air Quality and Emissions

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

NPPF states at paragraph 112 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The SPD notes that there should be 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per space (unallocated parking). Accordingly, details of the type and location of EV Charging Points will be required. This information can either be submitted with the application or can form part of a condition attached to any approval.

A plan has been provided which shows each property would be provided with an EV charging point and this will be conditioned. Therefore, subject to the condition the proposal would satisfy the requirements set out above.

Ecology and Biodiversity Net Gain (BNG)

With regard to Ecology and BNG it is noted that as the site consists of entirely hardstanding, the Council's Ecologist has confirmed that there are no ecological issues with the site being developed and given it is entirely hardstanding currently, it is exempt from BNG requirements.

Notwithstanding the above, the introduction of garden areas would result in some enhancement.

It is noted that a local resident has raised concerns about a hedgerow which provides a place for local wildlife, which could be endangered by the development. However, the hedgerow falls outside of the application site and is sited on the adjacent school site, therefore the development would not impact on the hedgerow. Notwithstanding, the Council's standard informative regarding ecological matters will be appended to any decision.

Therefore, having regard to the above the application would raise no ecological issues and is exempt from BNG requirements.

Drainage

The site sits within Flood Zone 1, so it is at low risk of flooding.

With regard to the development itself the dwellings will be connecting to the existing drainage system which has capacity and is shown on the submitted drainage strategy. Given the size of the development this matter will be dealt with in more detail at Building Regulations stage. Furthermore, the hardstanding areas will be of a permeable material and the addition of the grassed areas to the front and rear of the properties will be a welcome addition that will help with surface water run-off given the existing site is entirely hardstanding.

It is therefore considered that whilst comments have been raised by residents about existing flooding problems in the area, the building on this existing hardstanding would not add to this problem, but would likely help reduce the issue due to the permeable paving on the driveways and the grassed garden areas acting as natural soakaways for surface run-off, which is not the case currently given the hardstanding nature of the site and the lack of any permeability currently on site.

Land Contamination

Historically, the land was in use as open field/agricultural land prior to being redeveloped into a small car park for the nearby residents.

It is considered likely that shallow made ground could be present across the site which may have been used to level the site in the past, which has the potential to be affected by contamination. Such contaminants may include metals, petroleum hydrocarbons, polyaromatic hydrocarbons and asbestos containing materials.

An historical landfill site has been identified within 130m north-west of the application site. This landfill is still an active gassing landfill site, with a ground gas combustion system still in operation.

The Phase I Report has identified low to moderate risks associated with potential land contamination and other related sources/hazards at the site.

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

Potential geo-hazards have also been identified associated with shallow clay deposits at the site, due to the effects of frost heave and shrink and swell associated with the trees.

Based on the above it is considered that a Phase II Intrusive Site Investigation be undertaken to determine the extent and properties of the clay deposits to allow for foundation design to be determined and to assess for any contamination which may exist within the surface soils at the site. It is unlikely that landfill gas will be impacting upon the proposed development site, however it would be prudent to undertake a programme of gas monitoring to confirm the risk to future receptors is low.

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

Other responses to objectors.

Whilst the majority of the concerns raised by local residents have been considered and assessed above, one comment raised related to the impact of the development on services in the area, particular doctors and dentists. The comment is noted, but this development for two dwellings is unlikely to have any impact on services in the area. Furthermore, as the dwellings are to be added to the Council housing stock it is likely that the future occupants would already be registered at a doctors / dentist in the borough.

Conclusion

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on a brownfield allocated residential and is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological or environmental issues. The application would comply with the

relevant national and local planning policies and guidance, as well as policies set out in the Maltby Neighbourhood Plan and is therefore recommended for approval subject to conditions.

Conditions

General

01

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

Reason

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

02

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

3572_01 RCA 30 XX DR A 0901 – Location Plan

3572_01 RCA 30 DR XX A 0906 P2 – Site Plan

3572_01 RCA 30 DR XX A 0905 P2 – Elevations

3572_01 RCA 00 DR XX A 0202 P01– House Type Plan

3572-01-RCA-30-XX-DR-A-0905 P02 - Streetscene

3572_01-PEV-30-00-DR-E-6000 P02 – EV Charging Plan

3572_01-PEV-30-XX-DR-C-0512 P02 – Proposed Drainage Masterplan

Reason

To define the permission and for the avoidance of doubt.

03

Prior to works commencing above ground level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority or samples of the materials shall be left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

Prior to construction works commencing above ground level a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be completed before each dwelling is first occupied.

Reason

In the interests of the visual amenity of the area and in accordance with the Local Plan.

Construction Practices

05

Except in case of emergency, no operations shall take place on site other than between the hours of 0800 to 1800 hours Monday to Friday and between 0900 to 1300 hours on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of highway safety and residential amenity.

06

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'

Reason

In the interests of highway safety and residential amenity.

07

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

Reason

In the interests of highway safety and residential amenity.

08

Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

Reason

In the interests of highway safety and residential amenity.

Highways

09

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

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

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

Reason

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

Air Quality and Emissions

10

The electric vehicle charging points as shown on plan 3572_01-PEV-30-00-DR-E-6000 P02 shall be provided prior to each dwelling being occupied and shall thereafter be maintained and retained.

Reason

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

Land Contamination

11

Prior to above ground works commencing, a Phase II Intrusive Site Investigation should be undertaken to assess potential geotechnical issues and the geo-environmental conditions at the site to confirm the nature, presence and extent of potential contamination across the site and the risk it presents to human health. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

Reason

To ensure the safe occupation of the site.

12

Prior to above ground works commencing and subject to the findings of condition 11 above, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure the safe occupation of the site.

13

If during development works unexpected significant contamination is encountered, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

To ensure the safe occupation of the site.

14

If subsoil/topsoil is required to be imported to site for gardens and areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

Reason

To ensure the safe occupation of the site.

15

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

Reason

To ensure the safe occupation of the site.

Affordable Housing

16

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.

Informatives

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to

reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

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

The following should be considered:

Defensible Space

Each dwelling should have a front boundary to a height of 1 metre to allow for visible surveillance into and from the dwellings in question.

Boundary Treatment

All rear gardens should be secured with a min 1.8m high fence. A 1.8m lockable gate should be fitted as close the front boundary line as possible to secure the rear of the dwellings.

Surveillance

Any landscaping and front boundaries should be kept low at no more than 1 metre high and any trees to have no foliage below 2m to aid natural surveillance. Positioning of trees should be careful not to mask any Lighting Column's.

Lighting

All external paths and car parking areas should be well lit with an LED lighting scheme to standard BS5489 with no dark areas. All front and rear doors should be lit with a wall mounted luminaire to provide lighting in line with standard BS5489 which should operate on a dusk to dawn sensor and spread the light downward.

Security of Dwellings

In line with SBD standards, all front / rear doors and ground floor windows should comply with PAS 24:2022.

03

Measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved should be carried out, please see attached Informative Note in this respect.

04

The existing vehicle access is to be removed, the footway reinstated, and two new vehicle accesses provided. This will require the applicant to enter into a Memorandum of Understanding with the Council's Highways Development Management Service and they should be requested to contact my colleague david.phillips@rotherham.gov.uk.

05

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

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

POSITIVE AND PROACTIVE STATEMENT

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