

**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 6th June**

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	RB2023/1325 https://rotherham.planportal.co.uk/?id=RB2023/1325
Proposal and Location	Erection of 1No residential dwelling including associated amended access, Land adj No 5 Swinston Hill Gardens, Dinnington
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 the rear garden of No. 129 Swinston Hill Road. The site consists of a number of mature mainly evergreen trees and grass.

To either side of the garden are dwellings built on existing residential cul de sacs. The adjacent dwellings were built within the last 20 years, one being Swinston Hill Gardens and the other Swinston Hill Court.

Background

RB2010/1197- Erection of two storey dwellinghouse - GRANTED
CONDITIONALLY

RB2023/1328 - Erection of detached dwelling with detached garden room to rear – Currently Awaiting determination

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 applicant seeks permission for a new access road to link Swinston Hill Gardens and Swinston Hill Court. The access will form the new means of access to those residential properties on Swinston Hill Court. The submitted plans show that the existing access to Swinston Hill Court will be closed with a turning head for a Fire Appliance.

This application proposes the erection of a four bedroom, two storey dwelling, similar in scale and massing to the adjacent properties. The applicant indicates the dwelling will be constructed in artificial stone and red concrete pantiles to match the existing properties.

Following Officer advice, the applicant has provided additional landscaping to the dwelling's garden and the cul de sac. Furthermore, bat and bird boxes are proposed to provide some biodiversity improvements to the final scheme.

The applicant's Tree Survey States that:

- This area comprises a number of neglected trees and shrubs, mainly Holly, Birch, various Cupressus and Yew. The group extends into the site S to N for approx. 11m and across the full width of the plot E to W. The height of the largest trees is 6m. There is an ornamental pond to the S of the planting and the area beneath is covered with Ivy and various weeds species. The trees/shrubs appear to be an overgrown ornamental shrubbery that has been neglected and left to grow uncontrolled. Most of the trees are healthy but, because of their close proximity to each other have spindly growth, while some are dead or dying. Because of this neglect and lack of maintenance and close growth none of the trees have any amenity value. It is suggested that they be removed and, if required, replaced at a later date.
- The hedge runs along the length of the boundary N to S and is approx. 2.3m high. It is in good condition but overgrown and, if it is to be

retained, can be renovated by overall pruning.

- A number of randomly planted t & s form a hedge across the width of the plot. There are three neglected conifers approx. 8m tall growing close together. None are of any value. Some the remaining trees and shrubs may be rejuvenated to form a mixed hedge or removed for replacement.
- There is a Cedar growing inside and close to the boundary fence of the site. It has had the top removed at some stage and is approx. 7m tall. It has no aesthetic value but would not be affected by any site developments.

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'
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'
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
- Transport Assessments, Travel Plans and Parking Standards

Dinnington Neighbourhood Plan

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 7 letters of objectors have been received. The comments raised are summarised below:

- **Loss of Privacy and Quiet Environment:** Residents are concerned that the development will significantly alter the quiet, private nature of their living environment. The increase in housing density from the proposed developments will result in loss of privacy due to additional traffic and the close proximity of new homes.
- **Environmental Impact:** There are strong objections related to the negative impact on local wildlife and greenery. The removal of mature trees and established hedges, which serve as habitats for local wildlife, contradicts RMBC's own policies for a "Cleaner Greener Local Environment." Residents highlight the importance of preserving existing natural habitats instead of replacing them with token environmental gestures like bird and bat boxes.
- **Increased Traffic and Safety Concerns:** The proposed developments are expected to dramatically increase traffic within a currently quiet cul-de-sac, raising concerns about safety, especially for children, and the potential for more challenging and dangerous access for emergency services.
- **Impact on Property Value and Aesthetics:** There is a fear that the increased number of dwellings and potential changes to the community's character will reduce property values. Residents appreciate the current aesthetic appeal of their properties, including the block paving, which they do not want changed. There are concerns that the new development will not match the existing standards and thus negatively impact the visual appeal and value of their properties.

- **Access and Driveway Maintenance Responsibilities:** Residents question how the increased number of dwellings will affect the maintenance responsibilities of the block-paved driveway, which is currently shared among a few properties. There is a call for clarity on whether RMBC will adopt the driveway and take over its maintenance, especially given the expected increase in traffic and wear.
- **Lack of Proper Consultation and Notification:** Some residents express dissatisfaction with the communication and consultation process regarding the proposed developments. They feel inadequately informed about plans that significantly impact their living environment and access

Two Right to Speak requests have been received from local residents, and the applicant.

Consultations

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Ecology: No objections subject to the landscaping and biodiversity enhancements being conditioned.

RMBC Land Contamination: No objections subject to conditions.

RMBC Drainage: No objections subject to conditions

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.

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 and Loss of Trees
- Land Contamination

Principle

Policy SP 11 “Development in Residential Areas” states that “Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.”

SP 12 ‘Development on Residential Gardens’ states that: “Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

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

The application site is allocated as a residential area and with this in mind the principle of development is acceptable subject to meeting the criteria set out in SP 12.

Dinnington Neighbourhood Plan POLICY H1: HOUSING MIX states:

“In order to help meet the present and future housing needs, including the needs of local residents, new housing development proposals should provide a mix of housing sizes, type and tenure based on the most up to date SHMA available, supplemented by a more up to date assessment of housing need, including local housing need, if appropriate.

Housing for those with a disability and smaller homes for young families, young people and older people will be supported.

Housing for older people or those with a disability should preferentially be located within walking distance, on a safe, level route or within easy reach of public transport to the Town Centre shops and services.”

In this instance the proposal is for a single four bedroom dwelling, which is appropriate for the area and meets the Strategic Housing Market Assessment which indicates a desire for larger detached dwellings.

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 existing plot is a vacant area of land which sits between two relatively recently constructed dwellings in a backland position. The proposal to develop this plot is considered to be acceptable and continues the existing street scene. The proposed dwelling is of a traditional design with regular

fenestration and a central gable feature and is proposed to be constructed from artificial stone. The design matches the post modern design of the adjacent dwellings and also reflects the scale of and massing of other dwellings within the street scene.

It is therefore considered that the design of the property is acceptable and raises 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.

Further to the above, the scheme also accords with Dinnington Neighbourhood Plan Policy Bed 2: Design and Infrastructure, which seeks improve design quality in the local area.

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 the dwelling has been designed to meet the minimum separation distance and is set side onto to the adjacent dwellings, preventing any direct overlooking of neighbouring properties. The rear garden also exceeds 10m in length providing an appropriate outside amenity area. The internal spacing also exceeds the minimum set out within the National Standards.

In addition, the host property will still retain a large rear garden which far exceeds the Council's minimum and will not be overlooked.

In terms of the impact from additional traffic by opening the access road, it is acknowledged that Swinston Hill Gardens would be extended and that an additional 5 dwellings would be accessed from this road. Whilst there would be a small increase in activity along this road, it is considered that the extension of the road to serve the additional properties would be acceptable and would not result in an increase which would be significantly detrimental to those existing properties.

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.

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.

In this instance the proposal will result in Swinston Hill Gardens and Swinston Hill Court being linked and forming one residential cul de sac. The new access will allow

Swinston Hill Court’s access to Swinston Hill to be blocked off and a new dwelling provided fronting Swinston Hill, the new dwelling is subject to a separate Planning Application RB2023-1328.

The resulting development will comprehensively develop this backland setting. The existing Swinston Hill Gardens has been built to adoptable standards and can accommodate the additional resulting traffic movements. There will be the requirement to ensure that the existing stub of Swinston Hill Gardens is completed to adoptable standards and this will lead to no more than 5 dwellings being accessed from the remaining private drive. A condition is proposed to ensure that works to the block paved area to ensure that it is completed to adoptable standards is carried out prior to the new dwelling being occupied.

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 condition has been attached requiring an electric charging point to the dwelling to encourage more sustainable forms of private transport modes.

Ecology and Loss of Trees

With regard to Ecology and Trees it is noted that as the site consists of a rear garden, with some trees, mainly evergreens species, some of which have already been felled.

Policy SP32 ‘Green Infrastructure and Landscape’ goes onto state in part that: “The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users.” Such an approach accords with relevant policies and guidance in the Core Strategy and the NPPF.

Policy CS20 ‘Biodiversity and Geodiversity,’ notes in part, that: “The Council will conserve and enhance Rotherham’s natural environment and that resources will be protected with priority being given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets.”

Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states, in part, that: “Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,” and adds that: “Development will be expected to

enhance biodiversity and geodiversity onsite with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes.”

The Council’s Tree Officer has assessed the tree report and notes that the trees to be felled and those felled do/did not warrant Tree Preservation Orders. The retention of the hedge to the rear is welcomed and the new landscaping proposed adjacent to the remodelled roadway will provide compensation.

The applicant has also agreed to a number of bat and bird boxes that will help to compensate for the lost habitat.

Therefore, having regard to the above the application would raise no ecological issues and the replacement tree planting will compensate for the loss of the existing trees.

Land Contamination

Given the history of the site it is unlikely there are any significant sources of contamination on or within close proximity of the site. There are no industrial works located in close proximity to the site and therefore the risk of contamination migrating onto the application site is also negligible. A couple of conditions are recommended to ensure any landscaping soil is appropriate and that if significant contamination is encountered that the Council is notified.

Conclusion

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on land 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 Dinnington 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;

(Proposed elevations 339-2/1) (Received 25-09-2023)

(Proposed Location Plan 339/2-LP1 Rev A) (Received 11-03-2024)

(Amended Site Plan 339/2-2 Rev A) (Received 12-03-2024)

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.

05

Landscaping of the site as shown on the approved plan (Proposed Site Plan 339/2-2 Rev A) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

06

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, 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.

Highways

07

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

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

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

Reason

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.

08

Before the development is commenced road sections, constructional and drainage details (including improvements to the existing blocks paved element of Swinston Hill Gardens due for adoption) shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the dwelling is occupied.

Reason

No details having been submitted they are reserved for approval.

Air Quality and Emissions

09

Prior to the occupation of dwelling hereby approved, details of one vehicle charging point shall be submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied until the charging point has been provided, and it shall thereafter be retained.

Reason

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

Land Contamination

10

If subsoil/topsoil is required to be imported to site for garden/soft landscaping areas, 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. The results of testing shall be presented within a Validation Report and shall be forwarded to the Local Authority for review and comment.

Reason

To ensure the safe occupation of the site.

11

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.

Reason

To ensure the safe occupation of the site.

Ecology

12

The bat and bird boxes shown on drawing No. 339/2-3 shall be installed prior to the occupation of the dwelling.

Regards

In the interest of ecology.

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.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2023/1328 https://rotherham.planportal.co.uk/?id=RB2023/1328
Proposal and Location	Erection of detached dwelling with detached garden room to rear, Land adjacent 133 Swinston Hill Road, Dinnington
Recommendation	Granted Conditionally

This application is being presented to Planning Board as it relates to Planning Application RB2023/1325 which is being determined at Planning Board.



Site Description & Location

The site is approximately 0.05ha in size and comprises of the current Swinston Hill Gardens access road which leads to 4no. properties in a backland position. The road is set between two detached houses fronting Swinston Hill Road and consists of the tarmac road, gravel landscaping and some immature trees and bushes set within the gravel.

The road is unadopted and serves 4 detached dwellings constructed in the past decade.

Background

RB2009/1121 - Erection of 2 No. detached dwellinghouses - GRANTED CONDITIONALLY

RB2017/1535 - Erection of 2 No. dwellinghouses & associated works including access driveway and drainage works - GRANTED CONDITIONALLY

RB2023/1325 -Erection of 1No residential dwelling including associated amended access – Currently Awaiting determination

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 applicant seeks permission for a new four bedroom two storey detached dwelling. The proposal will result in the loss of the Swinston Hill Court access. The existing four dwellings accessed off Swinston Hill Court are intended to be access of Swinston Hill Gardens using the new access proposed in application RB2023/1325.

The proposed four bedroom two storey dwelling will be similar in scale and massing to the adjacent properties. The applicant indicates the dwelling will be constructed in red brickwork and grey concrete duo tiles to match the existing properties on Swinston Hill Road

Following Officer advice the applicant has provided additional landscaping to the dwelling's garden. Furthermore, bat and bird boxes are proposed to provide some biodiversity improvements to the final scheme.

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'
- CS14 'Accessible Places and Managing Demand for Travel'
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- CS27 'Community Health and Safety'
- CS28 'Sustainable Design'
- CS33 'Presumption in Favour of Sustainable Development'

Sites and Policies Document Policies

SP26 'Sustainable Transport for Development'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking'
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)

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National Internal Space Standards

Supplementary Planning Document

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

Dinnington Neighbourhood Plan

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 2 letters of representation have been received, one an observation and one an objection.

The observation letter states:

- Will existing services be re-routed as the services to the existing dwellings are served from Swinston Hill Road.
- Will construction traffic be off Swinston Hill Road.

The objection letter states:

- Lack of Formal Notification: Nearby residents, especially those in close proximity to the proposed development, have not received formal notification of the proposed development.
- Concerns Over Amended Access: The amendment to the access arrangements raises concerns, particularly regarding shared

maintenance responsibilities for the driveway in front of their property. It's unclear whether these responsibilities will extend to additional properties and whether the increased traffic from five new dwellings is considered.

- **Impact of Increased Traffic:** The addition of five more dwellings, alongside three other approved properties, is expected to significantly increase traffic, affecting the quiet nature of Swinston Hill Gardens, potentially reducing property value due to a loss of kerb appeal and privacy.
- **Concerns About Construction and Maintenance:** Questions about whether heavy vehicles, including construction access, have been considered given the block paved driveway and its maintenance responsibilities. There's concern about the increased wear and tear from additional properties.
- **Aesthetic and Environmental Impact:** Changes to the driveway's block paving and the removal of an established hedgerow could negatively impact the local environment and contradict local environmental plans, besides affecting the property's aesthetic appeal and value.
- **Parking and Access Challenges:** Increased dwellings could exacerbate existing parking and access challenges, making it difficult for emergency services and exacerbating safety concerns due to double parking and pavement parking.
- **Confusion Over Property Numbering and Street Names:** The existing confusing numbering system and similar names of multiple property developments could be further complicated by the amended access, affecting deliveries and mail.
- **Financial Responsibility for Maintenance:** The increased traffic and number of properties using the driveway would increase maintenance needs, for which the existing residents are not willing to bear financial responsibility.

One Right to Speak requests have been received from the applicant and one from an objector.

Consultations

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Land Contamination: No objections subject to conditions.

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 –

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Principle

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With this in mind the principle of development is acceptable subject to meeting the criteria set out in SP 12.

Dinnington Neighbourhood Plan POLICY H1: HOUSING MIX states:

“In order to help meet the present and future housing needs, including the needs of local residents, new housing development proposals should provide a mix of housing sizes, type and tenure based on the most up to date SHMA available, supplemented by a more up to date assessment of housing need, including local housing need, if appropriate.

Housing for those with a disability and smaller homes for young families, young people and older people will be supported.

Housing for older people or those with a disability should preferentially be located within walking distance, on a safe, level route or within easy reach of public transport to the Town Centre shops and services.”

In this instance the proposal is for a single four bedroom dwelling, which is appropriate for the area and meets the Strategic Housing Market Assessment which indicates a desire for larger detached dwellings.

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:*

- c) 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*
- d) 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 proposed dwelling has been designed in a traditional design with a gable feature and red brickwork. The design matches the traditional design of the adjacent dwellings and also reflects the scale of and massing of other dwellings within the streetscene.

It is considered that the dwelling is positioned appropriately within its plot and will continue the existing built form within the street. It is therefore considered that the design of the property is acceptable and raises 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.

Further to the above, the scheme also accords with Dinnington Neighbourhood Plan Policy Bed 2: Design and Infrastructure, which seeks improve design quality in the local area.

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 the dwelling has been designed to meet the minimum separation distance and is set side onto to the adjacent dwellings, preventing any direct overlooking of neighbouring properties. The rear garden also exceeds 10m in length providing an appropriate outside amenity area. The internal spacing also exceeds the minimum set out with the South Yorkshire Residential Design Guide.

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.

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.

In this instance the proposal will result in Swinston Hill Court being closed off and the existing dwellings to the rear will have to be accessed via Swinston Hill Gardens created by application RB2023-1325 (also currently under consideration).

The overall result of application RB2023-1325 and RB2023-1328 will be a comprehensive development of the backland setting resulting in one access road only. The existing Swinston Hill Gardens has been built to adoptable standards and can accommodate the additional resulting traffic movements.

Clearly as part of the application the Council needs reassurance that the new access link between Swinston Hill Gardens and Swinston Hill Court will be constructed prior to work being commenced on this dwelling which prevents access to the existing dwellings on Swinston Hill Court. As such a specific condition has been attached requiring the link to Swinston Hill Gardens to be formed prior to work commencing. As the applicant owns all the land in question the condition is reasonable and can be enforced should any breach occur.

Air Quality and Emissions

Policy CS30 'Low Carbon & Renewable Energy Generation' states: *"Development must seek to reduce carbon dioxide emissions through 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 condition has been attached requiring an electric charging point to the dwelling to encourage more sustainable forms of private transport modes.

Ecology and Landscaping

With regard to Ecology and Trees it is noted that as the site consists of hardstanding and gravel, with some immature trees and bushes to the side of the road.

Policy SP32 'Green Infrastructure and Landscape' goes on to state in part that: "The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users." Such an approach accords with relevant policies and guidance in the Core Strategy and the NPPF.

Policy CS20 'Biodiversity and Geodiversity,' notes in part, that: "The Council will conserve and enhance Rotherham's natural environment and that resources will be protected with priority being given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets."

Policy SP33 'Conserving and Enhancing the Natural Environment' states, in part, that: "Development should conserve and enhance existing and create new features of

biodiversity and geodiversity value,” and adds that: “Development will be expected to enhance biodiversity and geodiversity onsite with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes.”

As part of discussions with the applicant improved landscaping has been agreed, as well as bat and bird boxes. This will improve the appearance of the scheme and provide some ecological improvement.

Land Contamination

Given the history of the site it is unlikely there are any significant sources of contamination on or within close proximity of the site. There are no industrial works located in close proximity to the site and therefore the risk of contamination migrating onto the application site is also negligible. A couple of conditions are recommended to ensure any landscaping soil is appropriate and that if significant contamination is encountered that the Council is notified.

Conclusion

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on land 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 Dinnington 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;

(Proposed Site Plan 339/1-SP1)(Received 25/09/2023)
(Proposed elevations 339/1-1) (Received 25/09/2023)
(Garden Room 339/1-2) (Received 25/09/2023)
(Amended Landscaping Plan 339/2) (Received 26/03/2024)
(Amended Proposed Biodiversity Plan 339/3) (Received 26/03/2024)

Reason

To define the permission and for the avoidance of doubt.

03

No work shall commence on site until details of the of the highway access linking Swinston Hill Gardens and Swinston Hill Court as part of application RB2023/1325 have been submitted to and approved in writing by the Local Planning Authority and the works undertaken to the satisfaction of the local Planning Authority. The works to be completed shall include improvements to the block paved stub to the end of Swinston Hill Gardens to adoptable standards, as well as the improvement to Swinston Hill Court to provide turning for a Fire Appliance.

Reason

To ensure appropriate highway access is retained to the existing dwellings on Swinston Hill Court.

04

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.

05

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.

06

Landscaping of the site as shown on the approved plan (339/2) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

Highways

07

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

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

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

Reason

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

08

Prior to the occupation of the dwelling hereby approved, details of one vehicle charging point shall be submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied until the charging point has been provided, and it shall thereafter be retained.

Reason

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

Land Contamination

09

If subsoil/topsoil is required to be imported to site for garden/soft landscaping areas, 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. The results of testing shall be presented within a Validation Report and shall be forwarded to the Local Authority for review and comment.

Reason

To ensure the safe occupation of the site.

10

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.

Reason

To ensure the safe occupation of the site.

Ecology

12

The submitted bat and bird boxes shown on drawing No. 339/3 shall be installed prior to the occupation of the dwelling.

Regards

In the interest of ecology.

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.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2023/1386 https://rotherham.planportal.co.uk/?id=RB2023/1386
Proposal and Location	Use of land as extension to public house with erection of covered seating area to side and variation of condition 5 of RB2003/1577 to allow open seating area to the front, at The Ravenfield Arms, Hollings Lane, Ravenfield, Rotherham S65 4PS
Recommendation	Grant with conditions

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



Site Description & Location

The existing building on site is currently in use as a public use and has been established over 20 years following the conversion from a social club.

The land to the east and north is public open space in use as a recreation ground and children's play area and in the ownership of Rotherham Borough Council, with residential properties beyond to the east, as well as to the south across Hollings Lane.

The site contains a large building with a car park to the front and side, accessed directly from Hollings Lane which links Thrybergh to Ravenfield. To the west of the site is woodland with a Public Right of Way through the wooded area to the north west which also extends across Hollings Lane to the south west and provides access into the Woodlathes residential area.

To the front of the pub is a seating area accessed directly from the car park whilst to the eastern side is a raised decking which has been erected with a roof over and steps formed to access the adjacent recreation ground.

Background

RB1990/0702 Outline application for erection of sports/social club with managers accommodation at 1st floor level – Granted conditionally.

RB1995/0403 Two single storey extensions to form family room and extended kitchen/cellar – Granted conditionally.

RB2003/1577 Change of use of club to public house – Granted conditionally.

Conditions imposed were:

01

The changing room ,shower and associated facilities (hereinafter referred to as the 'sports facilities') within the building, as indicated on the approved layout plan, shall be retained for such use and made available to the general public unless otherwise agreed in writing with the Local Planning Authority.

02

The use hereby permitted, other than that relating to the 'sports facilities', shall only be open to the public between the hours of 1100 and 2330 Mondays to Saturdays and 1200 and 2300 Sundays.

03

No food sold within the premises shall be taken away for consumption.

04

All Cooking odours shall be exhausted from the building via a suitable extraction and/or filtration system, details of the siting and operation of which shall be submitted to and approved by the Local Planning Authority prior to installation and the equipment shall thereafter be kept in efficient working order.

05

None of the land outside the building shall be used as a drinking area or play area.

06

No amplified music played within the building shall be audible at the site boundary.

Proposal

This application seeks to retain the already constructed external covered seating area to the side of the building,– effectively extending the boundary of the property, and the open seating area to the front of the building. The previously erected steps giving a gated access onto the adjacent recreation ground have now been removed from the application and will be physically removed from the site.

The outside area has previously been paved and some of the area appears to have been used as an external seating area for several years, in contravention of condition 05 attached to the permission for the change of use (RB2003/1577). This use appears to have intensified during Covid restrictions and continues today. The covered seating area has been formed more recently, along with the steps from the seating area into the adjoining recreation ground. These steps do not now form part of this application and are to be removed.

A Noise Assessment has been submitted in support of the application which notes that:

No standards or guidance are specifically designed to be used to assess such impacts, (which EHO officers are in agreement with). The assessment has been undertaken to assess the impact from raised voices, television and amplified music by averaging noise levels from such sources and then comparing this against the existing measured background sound level. The findings of the assessment lead the report to conclude that the external covered terraced area should be closed to patrons at 23:00hrs. Further to this it also suggests that the external covered terraced area should be restricted to 22:00hrs on Fridays and Saturdays, and 21:00 hrs for the remainder of the week in terms of television showings and sporting events. During events the external doors located on the eastern elevation should also be kept closed.

Development Plan Allocation and Policy

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

The application site is allocated as Green Belt land in the Local Plan, and for the purposes of determining this application the following policies are considered to be of relevance:

Local Plan Policies

CS19 'Green Infrastructure'

CS21 'Landscape'

CS27 'Community Health and Safety'

CS28 'Sustainable Design'

SP2 'Development in the Green Belt'

SP4 'Extensions to Buildings in the Green Belt'

SP9 'Previously Developed sites in the Green Belt'

SP10 'Proposals for outdoor Sport and Recreation and Cemeteries in the Green Belt'

SP32 'Green Infrastructure and Landscape'

SP52 'Pollution Control'

SP55 'Design Principles'

SP56 'Car Parking Layout'

SP62 'Safeguarding Community Facilities'

SP64 'Access to Community Facilities'

Other Material Considerations

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

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).

Rotherham Adopted SPDs:
SPD 3 Development in the Green Belt
SPD 12 Parking Standards

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 66 letters have been received including 9 objections, one observation and 56 in support. Ravenfield Parish Council have also raised concerns. The representations received can be summarised as follows:

Objections:

- Music can be heard at nearby houses often until late at night, this brings the noise closer which will be worse in the summer. The noise assessment was done during the winter.
- When events are held the parking is horrendous, extending onto Hollings Lane
- Reduced number of parking spaces which are now being used as seating area
- There are existing pubs in the area so they are in this for the money not for the community.
- Built without planning permission on land that they don't own.
- The original permission for the pub had strict conditions which are being breached.
- The community and homes were well established before the pub was built
- Adjacent field being used as a beer garden annexing the playing field and playground for their own commercial advantage.
- The encroachment poses a threat to the integrity and accessibility of the recreational area.
- The footpath to the recreation area now only leads to the extension to the pub.

- A number of supporting statements received are from people who reside outside the local community away from the noise and disruption.
- A recent event resulted in on street parking, consuming alcohol on the field along with singing and shouting, off road bikes and quads on the field, fireworks and use of playground by teenagers and 2 visits by the police.
- Have Building Regs been adhered to?
- Do they have a licence to serve food?

Ravenfield Parish Council:

- Landscaping features have been relocated to also encroach onto adjacent RMBC land.
- No surface water drainage provision.
- Direct access steps installed onto adjacent land enhancing the perception of a beer garden.
- Customers consume drinks on the recreation ground and broken glass has been found with damage already to the recreation area.
- Noise nuisance to local residents.
- Supplementary seating in car park has reduced parking.

Support:

- Creates a covered public place for parents to watch their children playing in the open air, better than them being indoors - it has seen a big increase in families enjoying the facilities.
- Perfect area to sit and have a drink outside after a walk.
- Attended several charity events that have been a success bringing a sense of community.
- The rise in popularity of the pub has resulted in improved lighting on the path to Woodlathes.
- As a long term resident of the area it's good to see investment in the local services and amenities after the Covid struggles.
- Pleasant to look at doesn't look out of place and enjoyed by many as a community venue.
- The pub is well run and maintained causing little noise or disturbance to local residents.
- Lot of money has been spent to improve facilities which I imagine has offered employment opportunities for local people.
- The improved area follows the exact boundary that has been there for over 30 years, the only debate being the steps onto the public field which could be removed and installed internally and there has always been access from the pub onto the field
- There are signs saying no drinks to be taken onto the field.
- The closest pub (The Cavalier) has less parking spaces and they have reduced their parking by seating areas.
- Have not seen any live music advertised or being played.
- Attended the recent event mentioned by an objector, the police passed but did not attend and the landlord advised the people on motorised vehicles and lighting fireworks that this was not allowed.

With regard to the amended plans to remove the steps and access door from the decking to the adjacent land several more objections have been received;

- The increased seating and creation of outside area generates a large amount of noise
- The reduced parking and the holding of events causes double parking on Hollings Lane which is very dangerous
- The people supporting the application don't live near the site
- The amended plans don't show the door on the decking which is still there, the adjacent land can still be accessed and used.
- There has been a blatant disregard of the planning process

At the time of preparing the report two Right to Speak requests had been received.

Consultations

RMBC – Transportation Infrastructure Service: Notes that the proposal appears to result in the loss of approximately 6 spaces. Confirm that the Council have dealt with concerns about car parking on adjacent streets as a result of either events or people walking in the adjacent woods, and the outcome of the concerns was that whilst some car parking in the highway does occur at times, this can be tolerated in road safety terms as a result of the width of Hollings Lane in this location.

This being the case, and bearing in mind that the Ravenfield Arms has a relatively large car parking area available for customers, and that the Council's car parking standards for such facilities are a maximum number, then the Transportation Service has no objections to the granting of retrospective planning permission in a highway context.

RMBC – Green Spaces Manager: Notes that there appears to be historical encroachment of the Ravenfield Arms hard surfaced areas on to what is potentially land belonging to the Council, the outcome of which is yet to be concluded.

However they have no concerns regarding loss of green space due to the new extension, as the area to which the application relates has been hard surfaced with concrete flagstones for at least the last 20 years. There are, however, concerns in respect of the steps which provide a new encroachment onto the green space and a new formal access from the pub onto the green space. These steps provide the Council as landowners with an increased liability to ensure the steps and their environs are maintained, and prevent the Council from properly maintaining the grass and soft landscape efficiently, adjacent to the boundary. The Green Spaces Manager therefore objects to these steps being permitted on the Council's land. In respect of this the steps have now been removed from the plans and the access is to be closed off.

RMBC – Environmental Health: State that given the venue already has an external uncovered terraced area located to the south of the site, the additional covered terrace area with 12 tables and 72 chairs with an external

television and speakers in that area has the potential to significantly elevate noise levels on site and give rise to complaints from local residents. Patrons are likely to stay outdoors for longer which will encourage raised voices, shouting, singing and cheering when watching sports matches or when events are taking place.

They consider that the noise assessment method does not effectively take account of the actual maximum noise levels that noise sensitive receptors will hear over background. Maximum noise levels (L_{Amax} peaks) have been smoothed out by using an ambient noise level rather than the L_{Amax} level from such noise sources to assess the actual impact on nearby noise sensitive receptors, who may be enjoying the use of their gardens. Although the average noise levels can be considered as being an indicator of potential noise impact, and is widely used in other types of noise monitoring, in this scenario the actual maximum sound levels being generated on site are of most importance as these levels will be the most apparent to the receptor. The noise report confirms this as it states that; "noise from patrons is highly distinguishable in most environments and contains louder peaks due to shouting, singing, etc. This has the potential to cause higher levels of impact than the numbers alone suggest." Noise from vocals is extremely difficult to control especially in drinking establishments where alcohol is served until late evening/night and where there is additional entertainment taking place in the form of sporting events, live music etc.

Environmental Health consider that the proposed development is likely to result in significant adverse impact on grounds of noise disturbance to local residents if it is allowed to operate as the applicant is proposing. Therefore, several conditions are recommended to address this in terms of the hours of use of the external seating areas and the use of televisions and amplified music, should planning approval be granted.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of the development within the Green belt, including the impact on the openness of the Green Belt

- Noise and impact on neighbours
- Visual appearance
- Highways issues
- Other matters raised by objectors

Principle of the development within the Green belt, including the impact on the openness of the Green Belt

The already constructed seating areas are considered to be an extension to the existing building as such they need to be assessed under Policy SP4 'Extensions to Buildings in the Green Belt' which states that *"In the Green Belt the extension or alteration of an existing building may be appropriate provided that it does not result in disproportionate additions over and above the size of the original building. The Council considers that an increase in excess of 33% in the external volume of the original building would make the proposals disproportionate. Consideration will be given to the size, scale, position, screening, enclosures, lighting and design of any such extensions or alterations to existing buildings."*

This advice is repeated in the NPPF at paragraph 154 where it states that: "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (amongst other things): c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building." The NPPF defines 'Original building' as: "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built."

Volume calculations submitted by agent show that:

Original Building	1,931.7 cubic metres
Previous extensions	179.9 cubic metres
New enclosed decking	206.6 cubic metres

Increased volume	386.5 cubic metres
Volume increase	20.01%

Taking the above into account it is considered that the proposals represent a proportionate increase in respect of the original building and, therefore, is not inappropriate development in the Green Belt. As such, the development is considered to accord with the provisions of the Local Plan, the Council's Supplementary Planning Guidance - 'Development in the Green Belt,' and the advice as set out in the NPPF in this respect.

In terms of the impact of the development on the openness of the Green Belt, Local Plan Policy SP 9 'Previously Developed Sites within the Green Belt' states that: *"In instances where existing activities are located within the Green Belt, proposals for limited infilling (defined as development between existing permanent buildings) or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), may be considered acceptable, provided that they would not have*

a greater impact on the openness of the Green Belt and the purposes of including land within it, than the existing development.”

In this respect it is noted that the extension to form the covered seating area and the use of part of the existing parking area for additional uncovered seating are close to the main building such that the impact on openness would not be significant. In addition, the developments would not lead to encroachment into the open countryside. As such, it is considered that the proposals would be acceptable in this respect.

Noise and impact on neighbours

Policy CS27 ‘Community Health and Safety’ states that 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. When determining planning applications, particular consideration will be given to:

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development.
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land.

The NPPF at paragraph 135 (f) states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

Objections have been received from local residents with regard to noise and disturbance from the use of the external areas of the public house for drinking and events.

Whilst the building was originally constructed as a sports and social club it has a long established use over approximately 20 years as a public house. The original change of use application, however, prohibited the use of the external areas for seating and the current application partially seeks to regularise this in respect of external seating areas that have been formed over the past few years.

The building is surrounded by its car park and woods and fields with the nearest residential properties being located to the east and south of the site on Hollings Lane, the closest being on the opposite side of Hollings Lane situated approximately 45m away.

Environmental Health officers have assessed the application and state that given the venue already has an external uncovered terraced area located to

the south of the site, the additional covered terrace area with 12 tables and 72 chairs with an external television and speakers in that area has the potential to significantly elevate noise levels on site and give rise to complaints from local residents. Patrons are likely to stay outdoors for longer which will encourage raised voices, shouting, singing and cheering when watching sports matches or when events are taking place.

However, they consider that the impact can be mitigated by the imposition of conditions restricting the closing time and use of the external terraces. These would include the enclosed terrace seating area and all other external seating areas to only be used between the hours of 10:00hrs – 21:00hrs Mondays to Sundays. In addition, there would be no televisions situated in the enclosed terraced area or anywhere externally to the pub itself, or playing of live or amplified music, or amplified audio within these areas. A further condition would require the doors located to the eastern elevation to remain closed at all times except for ingress and egress purposes.

Further objections have also been submitted which state that patrons of the public house are using the adjacent recreation area as a beer garden. The applicants have stated verbally that there are signs requesting that drinks are not taken onto the adjacent land and a condition is recommended to prevent this. Furthermore the removal of the steps and the closure of this access point is considered to reduce this likelihood.

In view of the above it is considered that the impact of the additional seating areas on the local residents can be adequately controlled.

Visual appearance

Policy CS 28 'Sustainable design' states that: "Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping"

Policy SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions."

The covered seating area is of timber construction and is considered to be acceptable in design terms in this Green Belt location and as such is in accordance with the above policies.

Highways issues

Paragraph 115 of the NPPF states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The building has a large car park to the front and side, however it appears that 6 spaces have been lost by the construction of the front seating area.

The applicant has indicated that an area to the rear of the car park has been cleared to allow better access to other existing spaces.

Concerns have been raised with regard to parking issues and cars being parked on adjacent highways, particularly when events are held at the premises.

It appears that the car park was originally for the use of the social club and recreation ground and may still be used by people accessing the recreation grounds and adjacent woodland in addition to the patrons of the public house.

The Transportation Officer has assessed the parking on site and notes that there has probably been a loss of 6 of the original spaces. However, they state that colleagues have confirmed that the Council have dealt with concerns about car parking on adjacent streets as a result of either events or people walking in the adjacent woods, and the outcome of the concerns was that whilst some car parking in the highway does occur at times, this can be tolerated in road safety terms as a result of the width of Hollings Lane in this location.

This being the case, and bearing in mind that the Ravenfield Arms has a relatively large car parking area available for customers, and that the Council's car parking standards for such facilities are a maximum number, then the Transportation Service have no objections to the granting of retrospective planning permission in a highway context.

Other matters raised by objectors

Concerns have been raised particularly from the Parish Council regarding the possible encroachment onto the adjacent recreation land which is stated as posing a threat to the integrity and accessibility of the recreational area. Aerial photos and land terrier records show that there has been some encroachment onto the adjacent recreational land, however this appears to have occurred over 20 years ago and as such cannot be enforced against under planning legislation. Any action regarding this would need to be a matter for RMBC Green Spaces to pursue as the legal owners of the land.

The additional encroachment by the recently formed access and steps is to be removed.

An objector has asked whether Building Regulations have been adhered to and do they have a licence to serve food – these are covered by other legislation, separate from Planning.

Many letters of support have been received with regard to the development in terms of the provision of a community and recreational venue which appears to be widely used by families, albeit not necessarily those residing in close proximity to the site.

Conclusion

The already constructed external seating areas are not considered to be inappropriate development in the Green Belt by virtue of the limited increase in built form on the site and their use in connection with an established business within the Green Belt. Furthermore, the siting of the development adjacent to the existing building and partially screened from the highway by trees is considered to overcome the impact that the development has on the openness of the Green Belt in this location, and on the purposes of including the land in the Green Belt.

Notwithstanding the concerns raised about the potential increase in noise arising from the proposal, Environmental Health officers consider that this can be mitigated against by the imposition of the recommended conditions.

Other concerns raised above have been addressed in the report.

The application is recommended for approval subject to the conditions set out below.

Conditions

01

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

Drawing nos. 2023-689-006 Rev A, 2023-0689-007 Rev A, 2023-689-008 Rev A and 2023-689-009 Rev A Received 3 May 2023

Reason

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

02

The external seating area and enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023- 689-006 Rev A) shall only be open to patrons between the hours of 10:00hrs – 21:00hrs Mondays to Sundays.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

03

There shall be no televisions situated outside of the pub or in the enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023-689-006 Rev A).

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

04

There shall be no playing of live or amplified music, or amplified audio outside of the pub or in the enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023-689-006 Rev A).

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

05

The doors located to the eastern elevation as indicated on the Architecture 1B plan (Drawing Ref No.2023-689-006 Rev A) shall remain closed at all times except for ingress and egress purposes.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

06

No drinks shall be taken outside the boundary of the public house.

Reason

To safeguard the amenity of the Green Belt and users of the adjacent recreation area

Informative

01

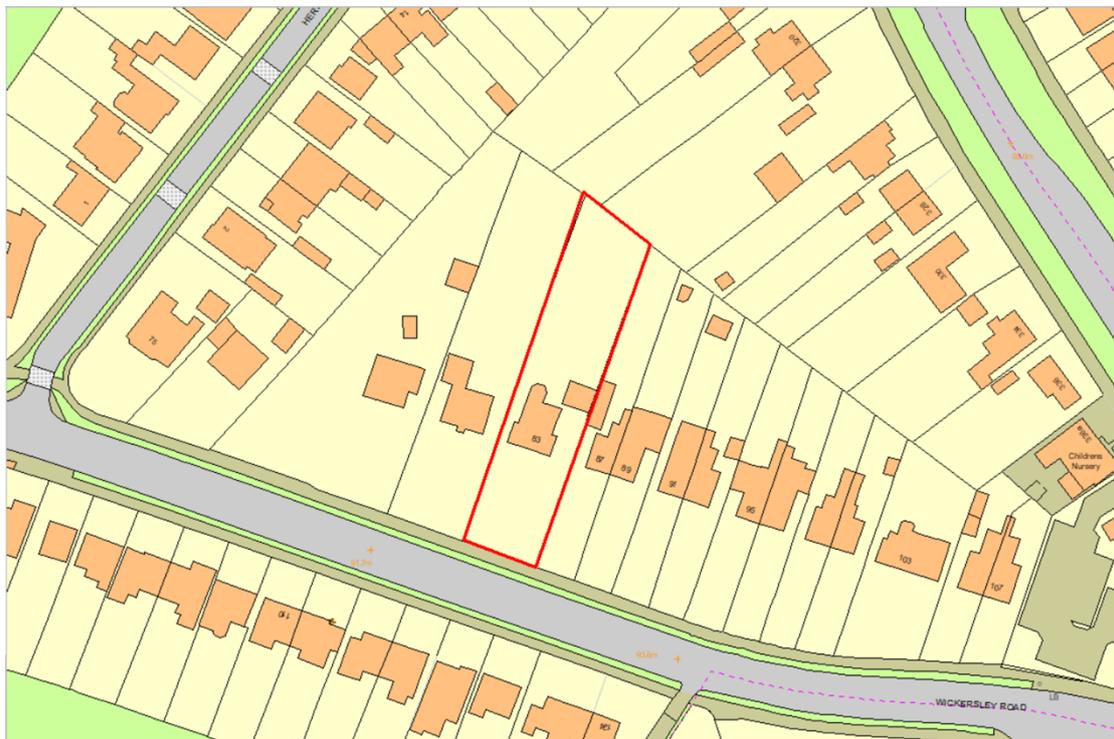
The already constructed access and steps onto the adjacent recreational ground is not covered by this approval and should be removed within 1 month of the date of this decision to avoid further enforcement action by the Council.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2024/0042 https://rotherham.planportal.co.uk/?id=RB2024/0042
Proposal and Location	Demolition of existing conservatory, erection of two storey side extension and creation of balcony to rear. Amendment to previous application RB2022-0883 (Demolition of existing conservatory and erection of two storey side extension and creation of balcony to rear) at 83 Wickersley Road, Broom, Rotherham
Recommendation	Grant Conditionally

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



Site Description & Location

The application site is a substantial detached house on Wickersley Road. The character of the surrounding area is one of substantial brick built detached and semi-detached dwellings which are set back from the highway. The host dwelling sits in a trio of properties which enjoy large gardens to the front and rear within the suburban area. The dwelling is surrounded by mature hedges with a brick boundary wall with railings to the top and a gate with the same railings for transparency.

The dwelling has been subject of a previous planning permission for extensions. Work has commenced and the conservatory to the rear has been demolished and balcony commenced, two storey side extension has been constructed.

Background

RB2022/0883 – Demolition of existing conservatory, erection of two storey side extension and creation of balcony to the rear – Granted Conditionally

Proposal

This application proposes amendments to the earlier approved scheme of extensions to the dwelling. The changes can be summarised as follows:

- Replacement doors/windows to front elevation with garage door;
- Additional window in side elevation of two storey side extension
- Alterations to windows at first floor in rear elevation and extension of balcony to rear.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):
CS28 Sustainable Design
SP55 'Design Principles'

Other Material Considerations

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

National Planning Policy Framework: The revised NPPF 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.

Rotherham Adopted Supplementary Planning Documents:

Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties. 8 letters of representation have been received from 5 separate households/individuals. The objections can be summarised as follows;

In response to the plans:

- The previous scheme approved would have an impact on a parental home
- The proposed size and footprint would be too large and will be double the size of the original property built in the 1920s
- The previous scheme approved was to operate a business and this is no longer the case
- Extensions should not exceed more than 50% of the total area of the land around the original house
- The size of the scheme would create a property too large for the plot size and would be closer to 100% of the original build.
- The alterations made in 1997 must be taken into account in considering this application
- Clear grounds for refusing this proposal, due to the incorrect way in which the application was filed. The application form filed by the agent acting on behalf of the owners of No. 83 Wickersley contains misleading and inaccurate information in relation to trees by stating none would be affected.
- The agent failed to consider the established holly tree located within the boundary of no.87 Wickersley Road which pre-dated the extension
- Window in side wall. The window, due to its close proximity to the boundary hedge, should not be permitted under any circumstances
- The proposed balcony would overlook parents garden
- The close proximity to the hedgerow, for example means that it would be very difficult in future to undertake work such as cleaning the gutters, pointing, or even cleaning the window because access to this side of the extension cannot be accessed from the perimeter of No. 83.
- Stress and worry caused to elderly parents by submission of application
- Loss of privacy due to balcony, large rear windows and side window proposed
- Previous application did not have a side window and now there is one proposed
- Will the window in frosted glass/obscurely glazed?

- The window on this elevation will restrict any potential permitted development at no 87
- Concerns that if proposed garage becomes a habitable room/business as previously submitted it would have a negative impact on no 87's own prospects of gain permission for further development
- Overlook the driveway and amenity space of no 87
- Extension comes right up to the boundary with no 87
- If the boundary hedge was to increase in height it would cover the window and block off light to the garage and would owners of No.87 be expected to maintain the hedge height to below the window to avoid blocking out light to the garage.
- The balcony area opens it up to becoming a social area and the potential for noise/unrest not synonymous with the area.
- The proposal is not 1m from the hedgerow as indicated, the tree was cut in half due to boundary issues
- Concerns with the location of fall pipe, proposal, and width of extension

Consultations

RMBC – Transportation Infrastructure Service

The Council's Highways Team had no objections or observations to make.

Appraisal

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

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

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

The main considerations in the determination of the application are:

Principle
 Visual Amenity
 Impact on Residential Amenity

Principle

The extensions to the property have been previously approved and the principle of extending a residential dwelling is acceptable subject to other material considerations which are detailed below.

Visual Amenity and Residential Amenity

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

Sites and Policies Document Policy SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings." It adds that: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals (amongst others):

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

This approach is also echoed in National Planning Policy in the NPPF. The NPPF 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 135 adds: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

The NPPF further adds at Paragraph 139;

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.

The supporting text to Policy SP55 'Design Principles' at paragraph 4.330 states: "Supplementary Planning Document: Householder Design Guide

(June 2020) provides information to households wishing to alter or extend their property.”

The two-storey side extension is visible from the street and this has already been approved. The changes to the door and windows and inclusion of a garage door are minor changes which do not change the form and do not significantly affect its appearance in the street.

Overall, there is no additional impact upon the street as a result of the proposed amendments to the previously approved scheme. The proposed development remains compliant with relevant Local Plan Policies and the NPPF.

Impact on residential amenity

In this instance, the proposal to alter the balcony proposal is assessed using Design Guidance 1.3 which states that balconies, decking, raised patios, verandahs and windows serving habitable rooms such as kitchens, living rooms and bedrooms should be sited so that they do not directly look into the habitable windows of adjacent houses or their private gardens. To achieve this any new habitable room windows above ground floor should not be sited within 10 metres of a neighbour's boundary and should maintain more than 21 metres between facing habitable room windows or would result in a significant loss of privacy.

It goes on to say that balconies can create an unacceptable loss of privacy and are usually unacceptable on semi-detached and terraced properties. Where they are proposed, they must be a minimum of 2 metres from any neighbouring boundary with appropriate screening to avoid any overlooking. Floor to ceiling windows and French / patio doors can increase the effect of overlooking and will usually be resisted if they are proposed in elevations above ground floor where they would be near to the boundary of an adjacent residential property. Balconies can often create overlooking, which can be avoided through careful design and screening.

The creation of a balcony to the rear was assessed in the previous permission. In this instance, this application seeks an amendment to the extent of the balcony and alterations to the windows at first floor in the rear elevation. It is also proposed to remove the pillars that were holding up the balcony. Instead, the balcony will now be cantilevered and does not require any support. The proposed obscurely glazed screen on either side of the balcony will provide a level of privacy for the neighbours on either side which are both at a good distance and over 2 metres from the neighbouring properties boundaries. In addition, the windows at first floor closest to the boundary have been increased in size, it is therefore proposed to obscurely glaze the floor to ceiling window closest to the boundary to minimise the impact of the increased window size upon the neighbouring property. Additionally, the property is detached and enjoys a large garden which is over 50m to the rear boundary. As such no additional negative impact is not anticipated.

The proposed side elevation window is at ground floor level and given that it is to be obscurely glazed and overlooks a path/drive and side elevation of the neighbouring house, it is not considered that it would result in an unacceptable impact of overlooking.

It is noted that while objections are being raised regarding the balcony and boundary proximity, this application relates to an amendment of an already approved scheme. The cantilevered balcony replaces the previous one which was supported by pillars.

Other objections relate to the plot size and impact of the extension. In terms of the size and siting of the two storey side extension, this has been constructed in accordance with the previously approved plans.

Conclusion

Taking the above into account, the proposed alteration to the previous approval complies with the Councils SPD Householder Design Guidance, June 2020, and will therefore, not cause unacceptable harm to the character of the property or others within the street scene. The proposed alteration to the balcony and insertion of a window on the side elevation have been carefully designed and adequate diligence has been given to ensure that there is no detrimental impact on the neighbours on either side of the property.

Conditions

01

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

Reason

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

02

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

Double storey extension – Ref – MS/58/22 - 07 received 8th March 2024.

Block Plan – Received 24th April 2024

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form and shown on drawing no MS/58/22 – 07 received on 8th March 2024. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

There shall be no additional windows inserted at first floor without prior written consent of the Local Planning Authority.

Reason

In the interest of preventing loss of privacy to neighbouring properties

05

The window in the side elevation of the garage shall be obscurely glazed as shown on the approved Drawing- Proposed elevations received on 8 March 2024 and shall be permanently retained in such a condition.

Reason

In the interest of the amenity of neighboring properties.

06

The first floor full length window to the rear elevation, marked as obscurely glazed on the approved plan shall be permanently retained in that condition and shall be non openable.

Reason

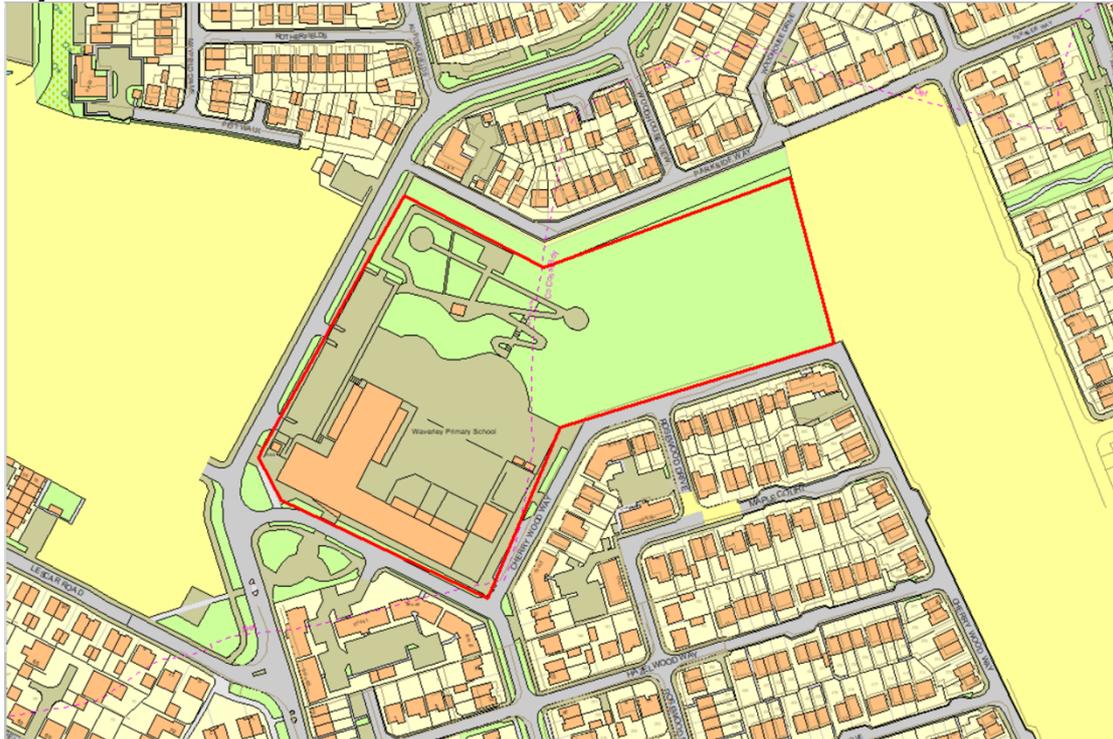
In the interest of residential amenity of the neighbouring property.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2024/0366 https://rotherham.planportal.co.uk/?id=RB2024/0366
Proposal and Location	Reserved matters application (details of access, appearance, landscaping, layout & scale) for extension to school and 10 parking bays (reserved by outline RB2022/1076) at Waverley School Waverley Walk Waverley
Recommendation	Grant conditionally

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



Site Description & Location

The application site is at Waverley Junior Academy at Waverley and covers an area of approximately 2.85 ha. Currently it is bounded by residential properties to the south east, south west, and north. The western boundary adjoining Highfield Lane with parkland beyond and the western boundary also adjoins the park.

There are roads on 3 sides on the school, Highfield Lane to the west and Cherry Wood Way to the south and east.

Background

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990. Since then a number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, a number of applications were submitted relating to a new community, these are listed as follows:

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011
- RB2011/1296: Application under S73 for the continuation of outline permission with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011
- RB2012/1428: Application under S73 for the continuation of outline permission with all matters reserved except for the means of access for a new community comprising residential (3890) units commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of

the works to be undertaken. - GRANTED CONDITIONALLY ON 26/04/2013

- RB2013/0584: Non-material amendment to application RB2012/1428 to include amendments to Conditions 03, 04, 26 and 48 - GRANTED CONDITIONALLY on 26/09/2013
- RB2013/0663: Details of the construction of a road, Highfield Lane (reserved by outline RB2012/1428) – GRANTED CONDITIONALLY on 22/07/2013
- RB2013/1496: Non-material amendment to RB2012/1428 to change wording of Condition 48 to allow Masterplan Parameters to be updated – GRANTED CONDITIONALLY on 27/11/2013
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way - GRANTED CONDITIONALLY on 29/09/2014
- RB2015/1380: Variation to the Section 106 Agreement attached to RB2008/1372 to vary the clauses within the Agreement that require Harworth Estates to provide land for a Park and Ride facility at Waverley New Community - AGREED on 10/12/2015
- RB2015/1460: Application to vary Condition 19 (details of improvement to B6066 Highfield Spring/Brunel Way (AMP North)) imposed by RB2014/0775 – GRANTED CONDITIONALLY on 17 December 2015
- RB2017/0743: Application under Section 73 for a minor material amendment to vary conditions 2, 3, 4, 6, 7, 8, 14, 16, 22, 24, 37 & 39 imposed by RB2015/1460 () which relate to the Masterplan Development Framework and Principles Document, floorspace limits of none residential use classes and highway improvement works – Granted Conditionally 01/12/2017
- RB2018/1525: Reserved matters application (details of access, appearance, landscaping, layout and scale) for the erection of a primary school infrastructure including landscaping, car parking & provision of play pitches (reserved by outline RB2017/0743) – Granted Conditionally 31/01/2019
- RB2022/1076: Application to vary condition 28 imposed by RB2017/0743 to update the approved Surface Water Strategy – Granted Conditionally 18/11/2022

Proposal

The application is for the approval of reserved matters (details of access, appearance, landscaping, layout & scale) for extensions to the existing school and the addition of 10 parking bays (reserved by outline RB2022/1076) at Waverley Junior Academy School, Waverley Walk, Waverley. The proposal is to increase the existing 2 form entry school to a 3 form entry school. The proposed extensions consist of –

Northern Two Storey Extension

6 Number Key Stage 1 and 2 Classrooms (3 on each floor) along with 2 Number Library/Group Rooms (1 on each floor) and ancillary Toilet Facilities.

This is to be a continuation of the existing building extending out approximately 17m to the north, and it is to be the same width as the existing school building, within the existing school site.

Eastern End/Infill Extension

Creation of a new nursery room to relocate the existing nursery room, with associated staff office, storage and extended corridor and entrance. The existing nursery is to become the additional reception classroom.

This is to be a continuation of the existing single storey part of the building fronting Waverley Walk and is to extend approximately 6m towards Cherry Wood Way within the existing school site.

This application has been submitted as the trigger within the S106 Agreement has been reached and a financial contribution has been paid to the Council to enable the extension to be funded and constructed. The original school was completed in 2020 and when the school was originally designed it was done so taking into account that it would be extended to provide the 3rd form. Therefore the areas where the extensions are proposed were always earmarked.

As well as the proposed built extensions the car park is proposed to be extended to provide 6 new car parking spaces and 4 additional spaces are proposed to be created within currently unmarked areas of the car park.

Development Plan Allocation and Policy

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

The application site is allocated as a Special Policy Area (Waverley New Community) in the Development Plan following the adoption of the Sites and Policies document. For the purposes of determining this application the following policies are considered to be of relevance:

CS1 Delivering Rotherham's Spatial Strategy

CS3 Location of New Development
CS20 Biodiversity and Geodiversity
CS21 Landscape
CS22 Green Space
CS25 Dealing with Flood Risk
CS28 Sustainable Design
CS29 Community and Social Facilities
CS33 Presumption in Favour of Sustainable Development
SP1 Sites Allocated for Development
SP26 Sustainable Transport for Development
SP32 Green Infrastructure and Landscape
SP33 Conserving and Enhancing the Natural Environment.
SP39 Design and Location of Green Space, Sport and Recreation
SP52 Pollution Control
SP55 Design Principles
SP57 Sustainable Construction
SPA1 Waverley New Community

Other Material Considerations

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

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 2 site notices along with individual neighbour notification letters to 66 adjacent properties. 11 representations

Objections

- Pickup and Drop Off is already chaotic and dangerous at the school, increased numbers of pupils will make this worse.
- The existing road infrastructure around the school is insufficient for the existing capacity, expanding this will only exacerbate the problems accessing the roads around the school at peak times.
- Parents park on pavements and block accesses to existing properties and this will only get worse with more pupils.
- No enforcement of parking restrictions at the school.
- Additional parking should be provided on the grassed area on Waverley Walk
- Double Yellow lines should be provided
- The tactical pedestrian crossing on the corner of Waverley Walk and Cherry Wood Way is only on one side of the road which is a health and

safety issue as well as a financial burden on residents as the Landscape Trust have to refurbish the trampled grass

- A one way system should be implemented on Waverley Walk/Shery Wood Way during school hours
- Increased air pollution from cars idling
- Highfield Lane is a rat run for people accessing Hansworth without going via Poplar Way and speeding is common.
- The roads around the school should be closed as a school street morning and afternoon. The Travel Plan should be implemented and reviewed within 6 months
- Increased numbers of pupils will lead to extra noise
- Disruption to existing pupils
- It will take away the quality of teaching the children receive
- The grass play area is still not usable and this proposal would allow construction traffic through the one playground that the children do have access to.
- Children have already suffered enough due to Covid closures and the lack of completed facilities at the school.
- A new school should be built.
- The extension would obstruct the picturesque views from current dwellings which will diminish quality of life.
- Devaluation of properties.
- There is plenty of space available on adjacent playing fields which would have a lesser impact on residents and neighbours.
- There will be noise and pollution during the construction phase which will disturb residents.
- Construction Works should not be carried out at school time

Support

- The extension will provide much needed school places to allow local children to attend their local school rather than having to commute to local villages
- The expansion is needed with 27 children from within the catchment area not securing a place last year.

Waverley Community Council –

- The school is welcomed as there is a significant demand within the catchment area.
- The impact on the immediate vicinity needs to be considered
- The original Travel Plan is 6 years out of date and includes obsolete content such as reference to buses.
- Nearby residents will be impacted by additional pedestrians and vehicles during the construction and operational phase.
- TWCC supports the school exploring additional ways to get pupils to walk, use scooters/bikes etc to reduce the amount of cars around the school. WCC would like the walking bus to be explored as well as vehicles switching off engines.

- Post September 2025 another school crossing patrol assessment should be carried out and they would like to see a 'school road' introduced to reduce traffic during school times.
- WCC are concerned that the proposed top gate access for different age groups may be executed differently by parents and children. WCC would welcome more dialogue about the staggering option.
- The lack of markings around school confuses drivers in this area and could be managed better with adjacent dropped curbs at the top of Cherry Wood walk, some junction markings and some school warning signposts.
- Would like to see very limited movement from the contractors during school pick-up and drop off times.
- The use of the car park as the compound will aggravate the limited parking spaces for school employees, so where will staff park instead?

Waverley Community Council have requested the Right to Speak at the Planning Board meeting.

Consultations

RMBC – Transportation Infrastructure Service – No objections subject to conditions

RMBC - Landscapes – No objections subject to conditions

RMBC – Ecology - No objections subject to conditions

RMBC – Land Contamination – No objections

RMBC – Environmental Health – No objections

Early Years and Childcare – Support the application

The Coal Authority – No objections

Yorkshire Water – No objections

Sport England – No objections subject to condition

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of Development
- Design and Visual Amenity
- Highways Issues
- Residential Amenity
- Flood Risk and Drainage
- Ecology/Biodiversity and Landscape Matters
- Land conditions
- Other Issues

Principle

This application has been submitted as reserved matters to a previously approved outline application RB2022/1076 for the whole of the Waverley site which was granted on 18th November 2022. The original site wide S106 Agreement required contributions to be paid by Harworth, the developer to the Council to provide the existing two form entry school at the site and now the Agreement requires Harworth to provide a financial contribution to the Council of £3,100,000 towards the design and provision of a third form entry at the existing school.

An objection has been received on the basis that a new school should be built. The original S106 Agreement required Harworth to provide a further one form primary school within Waverley, only if more than 3250 dwellings in total are proposed on the site. Harworth has served notice in line with the requirements of the S106 Agreement to state that fewer than 3250 home will be built at the site, and as such the second primary school is not required.

A letter of support has been received from a resident and the Community Council in support of the application noting that there is much need for school places to allow local children living in Waverley to attend their local school rather than having to commute to local villages, as 27 children from Waverley did not secure a school place last year.

The principle of development has therefore been established by the outline planning permission and the development proposed under this current application does not alter from the approved outline scheme. Accordingly, the proposed extension to the school is considered to be in accordance with the local plan and NPPF.

Compliance with the Master Plan Development Framework and Principles Document and Design Code

The Master Plan Development Framework and Principles Document was originally submitted with the outline permission and has subsequently been updated and amended. The current relevant Master Plan Development Framework notes that *“The primary school has been built as a two-form entry primary school, but the communal areas have been constructed and sized to accommodate a third form as and when required.”*

Waverley Central Design Code was approved in 2018 and this covers the school site. The document does not include any codes for the extension itself, however as it has been designed to be in keeping with the existing school it is considered that the principles of the document are in compliance. Having regard to the above, it is considered that the proposed development fully complies with the rules and parameters of the approved Design Brief for this site and the overriding Master Plan Development Framework and Principles Document.

Design and Visual Amenity

The National Planning Policy Guidance 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.”

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

Additionally, Core Strategy 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 proposed extensions to create a third form entry were planned when the original school was designed. The extensions continue the form of the existing school and their design is in keeping with the scale, mass and materials of the existing building.

There have been objections that the extension would obstruct views from existing dwellings which will diminish quality of life for the residents. It is

noted that the two storey proposed extension is the same height and width as the existing building and is contained fully within the school grounds, being over 80m from the closest properties on Parkside Way and Cherry Wood Way. The single storey extension is closer to the houses on Cherry Wood Way, however it has been located to be in keeping with the size and location of the existing school. It is therefore considered that whilst visible from surrounding houses, neither extension would significantly block view, it should also be noted that a 'right to a view' is not a material planning consideration.

Also objectors have stated that there is space available on the adjacent playing field to build on which will have a lesser impact on neighbours. In this respect the location of the extensions within the existing built up area is considered to be the most appropriate locations, which have always been earmarked for such extensions.

Given the above it is considered that the extension is acceptable in terms of design and visual amenity and accordingly the proposal would satisfy the relevant design policies and guidance of the NPPF, Core Strategy policy CS28 and Sites and Policies Document Policy SP55.

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.
- b. Enabling walking and cycling to be used for shorter trips and for links to public transport interchanges.

The NPPF further notes at paragraph 113 to the NPPF further goes on to note that: "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health."

The Transportation Unit have been consulted on the application and note from the submitted details that the scheme if implemented will result in:

- 1) An additional 6 No Key stage 1 / 2 classrooms
- 2) A new Nursery Room
- 3) Various ancillary rooms
- 4) An additional 10 No car parking spaces
- 5) An increase in staff from 62 to a maximum of 76.

The application outlines that the increase in the number of classrooms is needed so as to cater for the local children which as a result of the school being within a large new housing development is increasing all the time. If the additional accommodation is not provided, then these children would need to travel to other schools further afield which in transportation terms would not be as sustainable as non-car modes of transport would become less likely to be considered.

Objections have been received to the application on highway grounds as noted above in the report specifically in relation to highway safety issues created by vehicles dropping off and collecting pupils which will be intensified and the road network is insufficient for so many pupils.

The Transportation Officer notes the objections raised by residents regarding car parking at school drop off / pick up times, and has confirmed that the school has an active Travel Plan in place that has targets to reduce the reliance on cars for both staff and pupils. The Waverley area has been developed with good quality footway / cycleways throughout to actively promote non car modes of access for pupils in accordance with the Council's Local Plan and National Planning Policy Framework which seek to reduce the reliance on motor vehicles and promote walking and cycling. There is also a car drop off / pick up lay-by adjacent the school on Cherry Wood Way. The Transportation Officer has also noted that a new Travel Plan Officer has recently been appointed by Harworth who is actively working with the school to help reduce congestion at pick up and drop off times with various schemes such as walking buses.

Objections also mention that there is no enforcement of bad parking at the site, and in this respect the Transportation Officer notes that the roads around the school are not adopted highway and therefore no enforcement can take place. Objectors have asked why double yellow lines cannot be provided, in this respect as noted above, the highways are not currently adopted but when they are the Transportation Unit can assess the situation and if there is a need for additional waiting restrictions then they can be considered at that time. In relation to the use of road markings and warning signs as the estate has been designed for 20mph speeds road such markings are not required.

The Transportation Officer has also confirmed that the revised car parking facilities are in line with industry standards which for a school is a maximum standard.

In relation to air quality the proposal also includes the provision infrastructure (ducting) from the existing distribution board to allow for future installation of electric charging points when required. The applicant has submitted justification that additional chargers are not required at this time as the existing ones already on site are not fully utilised. It is therefore considered acceptable for the infrastructure to be provided as part of this application.

There is an objection on the basis that air quality will be adversely impacted due to an increase in idling cars, however taking into account the above, the aim is that most pupils will come to school by foot/cycle and not by car. For this reason it is not considered that the proposed extension would lead to a significant adverse impact on Air Quality which would justify refusal of the application.

Taking the above into account, the proposal is considered acceptable in highway terms, and is considered to be in accordance with relevant policies in the Local Plan and the NPPF.

Residential Amenity

The NPPF notes at paragraph 131 that: *“The creation of high quality 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.”*

The submitted Design and Access Statement clarifies that the impact of noise is covered under the original reserved matters planning application RB2015/1460 for the creation of the school, with the exception of any roof top plant to be installed. The applicant has then confirmed that no new external fixed plant is proposed on the proposed extensions, as such a further noise assessment will not be required with the application.

There have been objections to the application on the grounds of increase noise and disturbance from the additional pupils and resulting cars, however as noted above the whole scheme was assessed for noise implications within the previous application and issues in relation to noise were not considered to be so significant that they would require mitigation or justify refusal of the application. Objections have also been received regarding noise and disruption during the construction phase, and that works should not be undertaken at school times.

Environmental Health have been consulted on the application and have not raised any issues with the operational phase of the development. They have however noted that there is potential for noise and dust nuisance to the occupiers of nearby residential dwellings during the construction phase and as such they have recommended that conditions be attached to control this through the construction phase. However, it should be noted that there are conditions on the outside permission which control this and as such it is not necessary to repeat the conditions on this reserved matters application.

It is therefore considered that the proposals would not have a significant adverse impact on residential amenity and as such the proposal is acceptable in this regard.

Flood Risk and Drainage

Policy CS25 'Dealing with Flood Risk,' notes that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. In addition CS25 notes that proposals should demonstrate that development has been directed to areas at the lowest probability of flooding by demonstrating compliance with the sequential approach i.e. wholly within flood risk zone 1, and further encouraging the removal of culverting. Building over a culvert or culverting of watercourses will only be permitted where it can be demonstrated that it is necessary.

The Design and Access Statement notes that the whole development site has been subject to a development wide drainage/flood scheme and the school site has a flood risk assessment and drainage strategy designed and considered externally as part of the previous planning application. The extended school had been considered as part of this proposal, and the connections will be made into the existing system.

The Councils Drainage Engineers and Yorkshire Water have been consulted on the application and after assessing the submitted information no objections have been raised. In this regard it is considered that the application is acceptable from a drainage aspect.

Ecology/Biodiversity Matters

In assessing these issues, Policy CS20 'Biodiversity and Geodiversity,' notes that the Council will conserve and enhance Rotherham's natural environment and that resources will be protected with priority being given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets.

The NPPF further advises at paragraph 185 that: "To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."*

A preliminary Ecological Appraisal has been submitted with the application which has been assessed by the Councils Ecologist.

The Council's Ecologist has assessed the content of the survey and raises no objections to the application whilst recommending that conditions should be attached to secure mitigation in relation to Bats, Breeding Birds and Biodiversity Enhancements.

Accordingly, subject to biodiversity enhancement conditions, the proposals therefore accord with the provisions of Policy CS20 'Biodiversity and Geodiversity and Policy SP33 'Conserving and Enhancing the Natural Environment'.

With respect to these matters Policy CS21 'Landscapes,' states "*new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development*"

The Councils Landscape Design Manager notes that the extensions are to be built on land which currently forms part of hard surfaced play area, and only the minor car park extension will have potential to impact on the existing planting installed as part the original school application. The effect of this is considered minor in nature and it is proposed that the planting will be relocated/replaced as part of this scheme.

There are therefore no objections in this regard and a condition is recommended to be attached to any planning permission to ensure the detailed landscape scheme is provided. The proposal is therefore considered acceptable in terms of landscaping and in compliance with CS21 "Landscape" and policies in the NPPF

Ground Conditions

CS27 'Community Health and Safety states' that "*Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.*"

Policy SP54 'Contaminated and Unstable Land' states that "*development proposals should:*

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse or ground water;*
- b. demonstrate that adverse ground conditions have been properly identified and safely treated; and*

c. d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use”.

The application site itself was originally in use as farmland associated with Highfield Farm until 1956 when the eastern section of the site became occupied by a sports ground. At this time Orgreave Colliery and Coking works was located off site to the south/south east of the application site, but by 1996 the site became part of the Orgreave opencast coal extraction workings. By 1999 the site became partly occupied by a plant bay in the northern section of the site until opencast works were eventually undertaken across the entire site. By 2006 all opencast workings were complete.

Full remediation and validation works were undertaken across the site prior to the school being built. The Councils Land Contamination Officer has been consulted on the application and has not raised any objections subject to recommended conditions to ensure the safe occupation of the site.

The Coal Authority have also been consulted on the application as the development falls within a Development High Risk Area and within the boundary of a wider site from which coal has been extracted by opencast mining methods. The applicant has submitted information to confirm that the ground stability implications posed by past open cast activity at the site are understood and that the layout of the proposed development avoids the buried highwall understood to be present within the site. The Coal Authority are therefore satisfied that the ground stability implications posed by past opencast activity are understood and that the appropriate consideration has been given to the issues and therefore they have no objections to the application.

The proposal is therefore considered acceptable to comply with Policies CS27 ‘Community Health and Safety’ and SP54 ‘Contaminated and Unstable Land”.

Other Issues

The extension proposed is on an area of the site which is currently laid out as two netball courts, and as such Sport England were consulted on the application. Sport England are a statutory consultee who are opposed to the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

As noted above the proposal would lead to the loss of two netball courts. However, the area laid out as courts where the extension is proposed was always earmarked for such a future school extension and it has been demonstrated that there is sufficient hard standing within the school grounds to re-provide the sports courts which would be lost due to the extension. On this basis Sport England does not raise any objection to the application, however they do recommend a condition to be attached to any

permission to ensure that the courts are adequately replaced and made available during and post construction.

Other issues raised by Objectors

Objections have been received stating that homes will be devalued; existing pupils will be disrupted which will add to all the disruption through Covid; the quality of teaching will be affected; and that traffic should not go through the playground. These issues are not material planning consideration which can be afforded any weight in the planning process.

Waverley Community Council are also concerned the proposed top gate access for different age groups may be executed differently by parents and children, and would welcome more dialogue about the staggering option. This is something that should be discussed directly with the school and does not form part of the planning process.

Conclusion

The principle of development has previously been established under the outline permission and it is considered that this reserved matters application for extensions to the existing school have a layout and form that is acceptable and in keeping with the existing school.

The extensions to the school would not have any undue detrimental impact in terms of over dominating building form or loss of privacy due to overlooking, for occupiers of adjacent dwellings. Furthermore, it is considered that adequate additional provision has been made for parking for staff and that whilst school drop off and pickup times are busy, the additional classrooms should not lead to a significant additional impact on highway safety due to the sustainable location of the school within the heart of the community.

Overall, it would represent an acceptable and appropriate extension to the existing school to provide additional school places for the community on this sustainable site in compliance with the requirements detailed within the Local Plan and the advice within the NPPF.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition number 10 of this permission requires matters to be approved before development works begin; however, in this instance the conditions are justified because:

1. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

2. The details required under condition number 10 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

01

The development hereby approved must be begun not later than two years from the date of this reserved matters application.

Reason In order to comply with the requirements of the Town and Country Planning Act 1990 and to comply with the conditions of the outline application RB2022/1076

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)

- Location Plan 712 113 002 - P001
- Proposed General Site Layout 712 113 002 - P003
- GA Plans 712 113 002 - P004
- Street Elevations 712 113 002 - P005
- Large Materials Elevations – Two Storey Block 712 113 002 - P006
- Large Materials Elevations – EYFS Infill Block 712 113 002 - P007

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted design and access statement/shown on the approved drawings. The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Local Plan Policies.

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

05

Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

06

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment to car park extension area shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC landscape guidance document and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

07

Prior to commencement of development any works/alterations to the existing building a dusk emergence bat survey shall be undertaken and a detailed report including any recommended mitigation measures shall be submitted too and approved by the Local Planning Authority. Any approved mitigation measures recommended in the survey shall be implemented before the development is brought into use.

Reason

In the interest of biodiversity at the site

08

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 biodiversity at the site

09

Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

Reason

In the interest of biodiversity at the site

10

Prior to commencement of development, the two netball courts to be lost shall be adequately replaced, by being marked out with sports line markings and made available on the existing hardstanding tarmac area within the school grounds, as detailed in Section 4.3 of the Design and Access Statement. The netball courts shall be designed and constructed in accordance with the England Netball Guidance for Outdoor Community Courts and shall be retained in perpetuity for their intended sporting use. Reason: To ensure the continuity of the same level of sports provision at the school site during and post construction.

Reason

In the interest of amenity of the users of the development

11

Prior to development works commencing a ground movement investigation/assessment shall be undertaken to assess the risk from potential differential settlement. The investigation subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced and will be subject to approval in writing by the Local Planning

Authority. Any required ground improvement works will be undertaken in accordance with the recommendations made within the report.

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 in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

12

Post construction, a Gas Verification Report shall be provided for each extension to confirm that measures constructed/installed meet the required standards. Inspection reports for each building shall be submitted to the Local Planning Authority for review and comment.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

13

Due to potential elevated sulphate concentrations being detected, any buried concrete to be used on site shall be designed to a design sulphate classification of DS-3 for made ground, with a corresponding ACEC class of AC-2. The design sulphate classification used will need to be evidenced.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

14

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 in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

15

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

16

Following completion of any required remedial/ground preparation works a Verification Report should be submitted to the Local Planning Authority for review and comment. The Verification 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 Verification 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 verification data has been approved by the Local Authority.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

Informatives

01

The scheme should be carried out in accordance with England Netball design guidance found following this weblink -

<https://www.EnglandNetball.co.uk/support/support-for-organisations/facilities/court-information>