

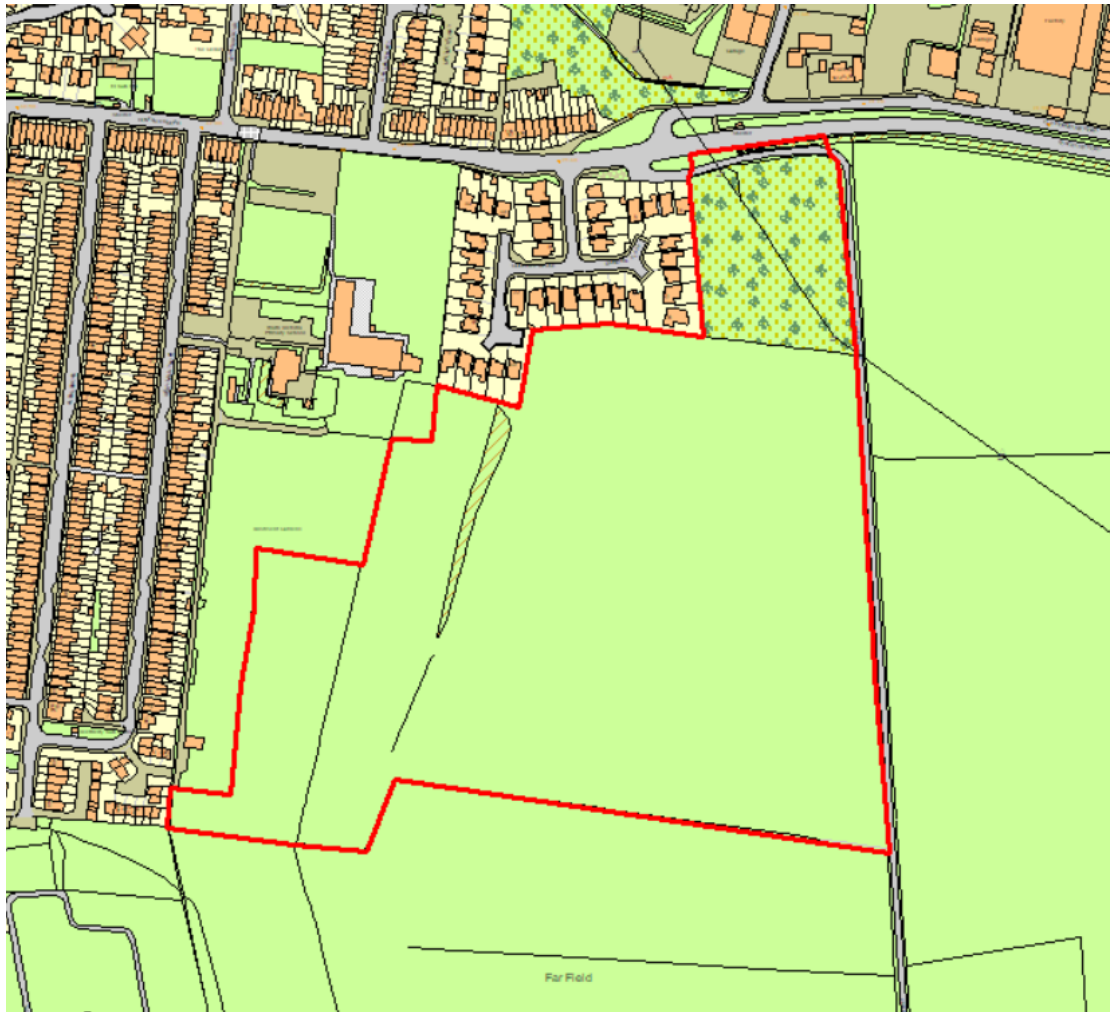
REPORT TO THE PLANNING BOARD TO BE HELD ON THE 18 July 2024

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

Application Number	RB2021/1686 (https://rotherham.planportal.co.uk/?id=RB2021/1686)
Proposal and Location	Erection of 269 dwellinghouses and associated infrastructure at land off Doncaster Road & Far Field Lane, Wath-upon-Dearne
Recommendation	<p>A. That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none">• 25% on site affordable housing provision in accordance with the Council's adopted Policy on both phases of development, which equates to 54 dwellings on Phase 1 and 13 units on Phase 2 (67 in total).• Education Contribution of £518,705 in total (£412,144 on phase 1 and £105,561 on phase 2) towards Wath Victoria Primary School• Commuted sum of £134,500 towards sustainable transport measures.• Appointment of Travel Plan Coordinator and monitoring of Travel Plan provisions.• Commuted sum of £51,875.42 towards improvements 2 bus shelters 30578 Doncaster Road/Cadman Street and 35048 Doncaster Road / Far Field Lane.• Commuted sum of £2500 per street tree for maintenance by the Council within the adoptable highway spaces over a maximum of 40 year period (Phase 1 and 2).• Formation of a Locally Equipped Area of Play (LEAP) within Phase 1 of the development.• Commuted sum of £65,000 towards the upgrade of existing offsite play facilities off Avenue Road, Wath, the provision of around 90m of access path at £8,000 and maintenance sum of £10,000 on completion of Phase 2 (£85,000 in total).• Establishment of a Management Company to manage and maintain the area of on-site open space and LEAP.• Financial contribution of £25,000 per Biodiversity Habit Unit that cannot be created on site.• Commuted sum of £256,000 towards the provision of 4 consulting rooms at NHS facilities within close proximity of the site.

	<p>B. Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>
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This application is being presented to Planning Board as it is a Major application and due to the number of objections received.



Site Description & Location

This site is located to the east of Wath, around 1km from the town centre.

The northern and eastern boundary of the site is currently formed by Far Field Lane, which is bordered on its east and west by mature hedgerows and trees. Far Field Lane is a private track which leads to the Whincover Farm Livery Stables business. It is a secondary access, as the main access to the farm is taken from Golden Smithies Lane.

Far Field Lane currently runs to the rear of several houses on Gorehill Close. Along the northern boundary of the site, Far Field Lane is raised some 2m

above the level of the existing Doncaster Road. This raised section is built over a gas main.

In the northern area of the site, a 66KV overhead power line runs diagonally across the northern corner of the site.

The western boundary of the site are houses on Gorehill Close, the school boundary, and the back of the allotments and several houses at the south eastern corner of Sandymount Road.

An area of land on the opposite side of Far Field Lane towards the boundary with Doncaster Road to the north is also included within the application site boundary. This currently forms part of the wider agricultural land and is set behind a hedgerow.

Background

There have been no previous planning applications submitted relating to this site.

Community Infrastructure Levy

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

Environmental Impact Assessment

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed exceeds 150 and the site area exceeds 5ha. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

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

Proposal

The application was originally seeking permission for 296 dwellings, this has been revised and the current proposals are for 269 dwellings.

The accommodation proposed would include the following:

- 67 (25%) affordable units
 - 9 x 2 bed dwellings
 - 53 x 3 bed dwellings
 - 7 x 4 bed dwellings

- 202 open-market dwellings
 - 4 x 2 bed dwellings
 - 117 x 3 bed dwellings
 - 81 x 4 bed dwellings

All properties would be mainly two-storey, with some having rooms in the roofspace served by rooflights. The properties will be either detached, semi-detached or terraced.

All properties would have off-street parking spaces with some having detached garages.

The sole access to the site will be from a new junction onto Doncaster Road, the existing access from Doncaster Road along the front of the site before joining Far Field Lane will be removed. In order to facilitate the new access the existing mound fronting Doncaster Road will be removed and the land level lowered.

A sub-station and pumping station are proposed to the front of the site adjacent Doncaster Road.

A potential future link to the land to the south of the current housing allocation has been incorporated into the design as the land beyond the application site boundary to the south is “safeguarded land” in the Local Plan. Part of the “safeguarded land” will be used for a temporary drainage solution, which will no longer be required when the land is reallocated in the next plan period and developed out.

Within the site, in front of plots 4 to 13 there is proposed to be a road, which will also be used by the farmer to gain access to the adjacent field over Far Field Lane. The end of the road would have a gated access solely for the farmers use, as there will be no access from Far Field Lane directly onto Doncaster Road.

There are several areas of varying sizes which will provide areas of Public Open Space, there will be small areas either side of the site access, a further smaller area in the south-west corner of the site and in the central parts of the site and an elongated strip down the eastern boundary of the site with footpaths. The main area will be sited to the south of properties on Gorehill Close and to the east of the neighbouring school. This larger area of Public Open Space will comprise of footpaths, trim-trail equipment and a new play area to Local Equipped Area of Play (LEAP) standards.

In and around the site there will be a variety of boundary treatments including close boarded timber fences, brick walls with timber panels, knee rails and railings.

A drainage basin is proposed on land to the east of the main development site on land that is currently agricultural land. The basin would be approximately 106m x 44m with a maximum depth of 1.2m.

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

Design and Access Statement – January 2024

The statement provides details on the site location, its wider context, the local character of the area, planning context of the development, policy consideration and details of the design. It also includes the Equal and Healthy Communities checklist.

Planning Statement – March 2024

The Statement provides details on site location, policy analysis, principle of development, the site development guidelines, other technical considerations and an assessment of the planning balance.

Healthy and Equal Communities Checklist

The standard checklist appended to the Council's adopted SPD 'Equal and Healthy Communities' has been provided with the application and all sections filled in.

Statement of Community Involvement

The statement provides details on how various stakeholders, including ward members, the local MP, and neighbouring school were informed of the development before the application was submitted and also details of the leaflet drop to 860 dwellings.

There was also a dedicated website for the scheme where people could register comments.

It confirms that 87 responses were received and included a mixture of positive and negative comments.

Archaeological geophysical survey – March 2022

The aim of the survey is to help establish the presence / absence of archaeological features within the survey area.

The survey was undertaken in two visits. The majority of the site was surveyed in November 2021 and one area, which was overgrown at the time of the original survey, was surveyed in March 2022.

The survey has provided evidence for archaeological activity, in the form of several enclosures / parts of enclosures and / or parts of field systems. Cropmarks, relating to archaeological features, had previously been identified in the site. These were all confirmed by the survey and several additional possible archaeological features have also been identified.

It should be recognised that in the parts of the site that are dominated by magnetic disturbance and very strong responses (from modern features / material) that the strength of these responses could mask anomalies from other sub-surface features in the area, should any such features be present.

Archaeology and Heritage Desk Based Assessment

This report seeks to evaluate the historical background and assess the impact of a proposed residential development.

It notes that cropmarks which are likely to represent late prehistoric or Romano-British activity within the Proposed Development Area can be seen in satellite imagery. These cropmarks are likely to correspond to a wider landscape of late prehistoric or Romano-British trackways, enclosures and field systems. It is recommended that a programme of Evaluation consisting of Geophysical Survey and Trial Trenching be undertaken.

Written Scheme of Investigation – Archaeological Evaluation by Trial Trenching – Updated February 2024

The report sets out the details for the archaeological work required and the archaeological potential of the site and to make a reasoned decision regarding the need for any further archaeological work to be made.

The aim of the Archaeological Trial Trenching is to determine the presence/absence, nature, date, quality of survival and importance of archaeological deposits to enable an assessment of the potential and significance of the archaeology to be made.

The site has the potential to inform research questions regarding the Iron Age and Romano-British periods in South Yorkshire as outlined in the South Yorkshire Historic Environment Research Framework.

Phase II Geo-Environmental Appraisal Report – March 2023

The investigation included a review the site's history and environmental setting, and a ground investigation comprising 58 trial pits with soakaway testing in 16 pits, 19 rotary open probe holes and 16 dynamic sample boreholes.

It advises that the developers abnormal relating to geoenvironmental issues at the site are:

- Localised minor site re-grade
- Isolation of Made Ground Topsoil beneath a minimum 600mm 'clean' soil cover in areas of POS.
- Placement of a minimum 150mm thick "hard dig" layer immediately beneath the soil cover.
- Alternatively, a high-visibility contaminated ground warning / marker barrier could be utilised.
- Treatment and removal of Japanese knotweed

Soakaway Testing

Soakaway testing was undertaken at 3 locations where soakaways may still be utilised for plot drainage.

Soakaways rates have proven variable across the site and might only provide a suitable drainage solution for the discharge of surface water run-off in certain areas; and therefore there may be a need for surface water balancing in areas where soakaways did not work.

Falling head tests undertaken at deeper levels in the dry valley has shown the permeability of underlying Oak Rocks Sandstone is greater than 1×10^{-3} m/s. However, levels within the boreholes rose to relatively shallow depth which suggests groundwater is sub-artesian. It is entirely feasible that at wetter times of the year groundwater could rise above existing ground level and flood the drainage ditch. Consequently, borehole soakaways are not recommended.

Groundwater Monitoring Results

Groundwater levels have been monitored by 17 wells being installed and monitored in April 2022 and March 2023.

The monitoring results obtained confirm a water table, which fluctuates seasonally between 0.15m (PH208) and 5.4m (PH302) depth below ground level, with a fluctuation in water level between 0.14m (PH202) and 2.09m (PH208); typically, groundwater was highest (shallowest) in February and lowest in October.

The groundwater recorded in PH208 is sub-artesian with levels rising from 4.2m to 0.52m after 20 minutes upon striking during drilling. Beyond PH208, standing groundwater levels were typically at depths of more than 2.5mbgl.

The results show that permeability of the ground is quite low and groundwater levels are considered to be reflective of the true water table (rather than "trapped" waters associated with drilling or surface water run-off).

Flood Risk Assessment – January 2024

The FRA confirms the site is located within Flood Zone 1, and whilst the development is “More Vulnerable” major development, there is no requirement for the Sequential Test or Exception Test.

The risk to the development of surface water flooding is very low in most parts of the site, but there is a high risk in the dry valley in the western part of the site and in the area close to the north-west boundary, to the south of Gorehill Close, and this area was flooded in November 2019.

The natural overland flow path for surface water from the upland catchment area to Brook Dike has been obstructed by the development of Gorehill Close and this is the cause of the flooding at the north-west corner of the site. The proposed drainage solution would alleviate this problem.

There is no risk of flooding from public sewers, but there is a risk of flooding from the site drainage system when capacity is exceeded. The risk can be mitigated by suitable overland exceedance flow routes.

The development will increase surface water runoff rates and volumes but this will be alleviated by the proposed drainage scheme for the development which will provide attenuation storage and a controlled discharge.

Gas Risk Assessment

The assessment was carried out to see if the site was at risk from hazardous gas, the assessment consisted of 11 boreholes and 6 visits over a 3 month period.

It concluded that no special gas protective measures are required.

Remediation Strategy

This document outlines the remediation objectives necessary to protect environmental receptors and render the site suitable for the proposed development.

The strategy indicates that the aims of the remediation are to:

- Resolve contamination issues in order to protect environmental receptors, and render the site suitable for the proposed development.
- Provide a stable development platform (to agreed levels and gradients) for subsequent construction of the proposed development and associated infrastructure.
- Satisfy requirements of the Local Planning Authority and the National House Building Council (NHBC)

Noise Assessment

The noise assessment has identified the mitigation strategy required to achieve recommended internal guideline values. External guideline values are currently met and no mitigation measures are required.

The maximum specifications for the windows and ventilators (where required) at each façade are shown in supporting drawings within the document. These are split across two separate bands, which are presented in Table 7-1 in the report and replicated below. It is noted that for the majority of the Development, standard double glazing with windows open for ventilation will be sufficient to meet the requisite internal noise criteria.

Minimum Specifications for Windows and Ventilators

Building Element and Location	Specification	Metric	Typical Configuration
Highest Specification (North and east elevations)	≥ 31	dB R _w + C _{tr}	Double glazing 4-14-6 standard glass types
	≥ 38	dB D _{ne, w} + C _{tr}	Acoustic window trickle ventilator
Lowest Specification (The majority of the development)	≥ 13	dB R _w + C _{tr}	Double glazed window with an open window for ventilation. Standard passive vents.

Overheating Noise Risk Assessment

The Noise Assessment (SLR report ref. 403.04993.00078 v2) considered sound from the nearby Doncaster Road.

The assessment found that mitigation measures would be required to achieve recommended internal sound level criteria in identified areas of the proposed development. The proposed mitigation strategy comprises the installation of glazing and acoustically attenuated passive ventilation (to provide background ventilation) to provide the requisite sound reduction to achieve the relevant criteria.

Based on the assessments, it is concluded that, with the proposed mitigation strategy for the development comprising the installation of glazing and acoustically attenuated passive ventilation to provide background ventilation with windows closed, the use of windows may be used as the primary means of cooling.

Therefore an alternative ventilation scheme is not required to control thermal comfort without the need to open windows.

Transport Assessment

This assessment considers the highways and transportation matters raised by the proposed residential development. It provides an assessment on key matters relating to development quantum, trip generation, traffic distribution, future design years, traffic growth, traffic surveys and the extent of the local highway network.

The development will be served by a new simple priority 'T' junction provided on the Doncaster Road frontage. The existing generous carriageway width of Doncaster Road will be reduced to 7.3m along the Site frontage which will reduce vehicular speeds, reduce pedestrian crossing widths and improve junction visibility. The proposed Site access carriageway width of 6.75m has been over-sized (to serve a development of less than 300 dwellings) in recognition of the potential future development of the safeguarded land to the south of the allocated Site.

The Doncaster Road speed limit is currently 40mph along the Site frontage, reducing to 30mph at the western edge of the frontage adjacent to the Old Doncaster Road junction. It is proposed that the 30mph limit is extended eastwards across the Site frontage. The reduced speed limit is appropriate to reflect the proposed new residential/built environment that the development will create as well as the pedestrian and cycling trips/activity it will generate.

This TA has tested the impact of the development proposals on the proposed Doncaster Road Site Access junction and it is concluded that it will all operate safely and satisfactorily in the future design year.

Pedestrian/cycle access will also be provided from the proposed vehicular junction onto Doncaster Road. The measures proposed which will positively influence trips by foot, cycle and public transport, both for existing users and proposed residents alike.

It concludes that both the proposed development provides very good accessibility by foot and cycle to a vast range of local services, facilities and employment opportunities and is in a sustainable location.

Travel Plan

The Travel Plan strategy details the specific delivery mechanisms that Barratt Homes intends to implement at the site, along with the specific tools that will be utilised by the Travel Plan Coordinator.

The objectives of this Travel Plan document are to:

- Determine the range of travel options available to residents;
- Maximise the use of sustainable travel modes amongst residents through effective promotion and engagement; and
- Use suitable monitoring and reporting mechanisms to assess, over time, the impact of the measures within this Travel Plan.

Stage 1 Road Safety Audit

The report looks at the proposed access arrangements to the development from Doncaster Road.

The Road Safety Audit considers and reports only on the safety implications of the proposed scheme as presented and has not examined or verified the compliance of the designs to any other criteria.

Recommendations included within this report are intended to identify proportionate means of eliminating or mitigating the concern raised and should not be regarded as being prescriptive design solutions.

It recommends the following:

- The redundant road markings on Doncaster Road are removed.
- Dropped kerbs and tactile paving are provided across Old Doncaster Road, consistent with the eastern crossing location.
- The hedge is trimmed/removed to provide suitable visibility and appropriately maintained.
- The footway is built out to reduce the crossing distance and improve visibility to the west.

Response to Road Safety Audit

This report provides a response to the items raised within the Stage 1 Road Safety Audit.

Landscape and Visual Impact Assessment

The report provides a number of visuals of various viewpoints around the area and gives an indication on the impact the development would have in the wider landscape.

It concludes that:

- All individual landscape elements and features would be affected to a less than significant degree.
- The landscape effects of the development on Wath and Swinton Farmlands (Swinton Racecourse) would be moderate at most and less than significant. The proposed development would seek to incorporate and enhance existing mature vegetation; trees and hedgerows where possible, as well as pedestrian links and recreational value throughout the site, thus also reducing the level of effect on these individual features/elements.
- Whilst the introduction of built form on to current arable and pastoral land does in itself result in negative effects, the proposed development would also result in positive landscape effects. The introduction of greenways/green spaces and boulevards where possible, and the integration/enhancement and improved management of existing vegetation would improve the condition and quality of the currently degraded edges of the site and strengthen the Green Belt edge.

- The extent of potential visibility is restricted by the nature of existing settlements.
- The highest level of visual effect would be focused on those visual receptors immediately adjoining the site. Significant visual effects would be experienced in the short term by pedestrians north of the site, as well as users of the permissive footpath network immediately south of the site. Sandymount Road and Gorehill Close abutt the western and northern edge of the site and so residential receptors at these locations would also experience significant visual effects.
- By Year 15 post construction, the proposed structural landscape framework of native hedgerows and trees as part of a series of open spaces/ greenways and treelined boulevards where possible, located at the edges and throughout the site, will have matured to help integrate the proposed development into the surrounding landscape, and often soften views and reduce visual effects.
- All other visual effects would be less than significant, given the context of the existing settlement edge.

The Green Belt assessment concluded that effects on the NPPF purposes of the Green Belt would be minor for the following reasons:

- The existing landscape is already influenced by the adjacent settlement;
- The proposed basins would not comprise of built form above existing ground levels; and
- Planting has been carefully incorporated to help integrate the basins and minimise effects on the character of the landscape.

Therefore, the Green Belt would continue to function in the same way as it does today should the development come forward.

Updated Preliminary Ecological Appraisal – January 2024

The Site totals c.12.35 hectares (ha) and contains the following Phase 1 habitats, arable cereal crop, improved grassland, dense/continuous scrub, semi-improved grassland, broadleaved woodland, bare ground, tall ruderal, bare ground and scattered trees. Hedgerows are also present along several of the Site boundaries.

The statutory and non-statutory designated sites located within 2 km of the Site are not anticipated to be directly impacted as a result of the proposed development. However, the Site lies within the Impact Risk Zone for Denaby Ings Site of Special Scientific Interest (SSSI), which is located 5 km from the Site, and the SSSI may be impacted by increased surface or ground water discharge resulting from the development.

The native and ornamental hedgerows and mixed scrub are considered to be of local level importance to nature conservation and the remaining habitats are considered to be of site level importance to nature conservation. Incorporation of a soft landscaping scheme across the development using native species is recommended to compensate for habitat loss and provide habitat enhancements.

In the event that common amphibians are encountered during vegetation clearance works, they should be carefully collected and relocated away from the area of works. Great crested newts are considered unlikely to be present on Site due to the lack of ponds on Site. In the unlikely event that great crested newts are found, works should stop in the immediate area and an ecologist should be contacted for further advice.

It is considered unlikely that badger setts are present within the Site.

Roosting bats are not considered to present a constraint to the works. As an enhancement, it is recommended that long term bat roosting opportunities are incorporated in the new Site design.

The Site is considered to display low suitability for foraging and commuting bats and due to the proposed loss of scrub in the north of the Site which is a mature habitat feature, bat activity surveys have been undertaken at the Site.

The cereal crop habitat is considered suitable for ground nesting bird species and the dense scrub, woodland and hedgerow habitats are also considered suitable for use by a range of commonly occurring species. Clearance of these habitats should be undertaken outside of the bird nesting season. As an enhancement, it is recommended that a range of bird nesting provision should be included across the development, incorporated within at least 30% of the newly built properties.

Hedgehogs may be found within the Site and should be moved carefully away from the works. New gardens and open space will provide suitable habitat for hedgehogs and for continued movement through the Site post-development, gaps for hedgehogs should be installed in boundary treatments between gardens.

Brown hares may use the arable farmland therefore the development should time the clearance works to avoid the breeding season.

Japanese knotweed has been identified on Site in three locations. Treatment appears to have taken place at two of these locations, however continued treatment and best practice working methods are recommended to reduce the risk of spread.

Bat Activity Report – August 2022

The purpose of the survey was to determine the current status of bat activity at the Site.

The survey concludes:

- There are no rare bats on the site- all common and widespread across the area.
- We will lose some habitat but are retaining the areas where most activity was observed and are creating new areas.
- Lighting will need to be sensitively designed to avoid the main impacts.

Wintering Bird Survey – April 2022

The WBS survey identified 31 bird species were recorded. Of these, no species protected under the Wildlife and Countryside Act 1981 (as amended) Schedule 1 were recorded. Six species listed under the Birds of Conservation Concern (BoCC) 5 Red list were recorded, ten BoCC 5 Amber listed species were recorded and 13 BoCC 5 Green listed species were recorded on Site across the two survey visits. Four of the BoCC 5 Red listed bird species and three of the BoCC 5 Amber listed bird species are also species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Overall species diversity recorded at the Site during the WBS is considered to be low, and the numbers of birds recorded is also low, with a peak count of 29 woodpigeon being the highest count of any species recorded at any one time. With the exception of skylark, no large flocks of farmland birds or gulls or waterbirds were recorded within the Site or adjacent land.

To mitigate the impacts of habitat loss at the Site as a result of the development, retention and enhancement of habitats such as hedgerows, broadleaved woodland and semi-improved grassland is recommended. Alongside this, on-Site compensation in the form of new soft landscaping comprising a range of native species, including wildflower grassland creation and native and fruit-bearing tree and shrub planting will benefit a range of bird species. The hedgerow along the eastern boundary will be retained and new soft landscaping adjacent the hedgerow will further enhance this area for a range of bird species.

Loss of arable land at the Site may impact skylark at the local level through loss of suitable wintering habitat however skylarks are likely to also use arable land to the east of the Site. It is understood that this land is not currently allocated for development and so impacts to wintering skylark are at no greater than the site level and no mitigation or compensation measures are currently required.

Biodiversity Net Gain Assessment – amended May 2024

Phase 1

Phase 1 totals circa. 8.8 hectares (ha) and habitats include Arable - cereal crop, Heathland and shrub - mixed scrub, Grassland - other neutral grassland

and modified grassland, Woodland and forest – other woodland; broadleaved and Urban - artificial unvegetated; unsealed surface, vacant or derelict land and developed land; sealed surface. Six native hedgerows, and two lines of trees are also present along the boundaries of Phase 1.

Post development habitats will include Urban - developed land; sealed surface, vegetated gardens and introduced shrub, Heathland and shrub - mixed scrub, Grassland - other neutral grassland and modified grassland, Woodland and forest - other woodland; broadleaved, and individual trees - rural tree and urban tree. Linear habitats will include Heathland and shrub - species-rich native hedgerow associated with a bank or ditch, species-rich native hedgerow, native hedgerow with trees and non-native and ornamental hedgerow.

The construction of the proposed development is predicted to result in a loss of -5.71 Habitat Units and a Far Field Lane Phase 1 Biodiversity Net Gain Assessment net percentage change of -19.90%. The Site achieves in excess of the targeted 0.1% net gain for Hedgerow Units with a gain of +59.12%.

A number of species enhancements are to be implemented at the Site, including bat and bird boxes, measures to facilitate the movement of hedgehogs through the development and the recommended eradication of Japanese knotweed.

It has been concluded that in order to achieve a 0.1% net gain in biodiversity, following BNG mitigation hierarchy, and even with consideration of the qualitative biodiversity enhancements, off-site compensation is required.

Off-site land within the same and third party land ownership was investigated but were ultimately not viable for the relevant landowners. As a result, the applicant has consulted with and entered into an agreement with the LPA to offset the on-site deficit and deliver the required 0.1% net gain through a commuted sum payment of £25,000 to £30,000 per Biodiversity Unit. The additional Biodiversity Units required to deliver a 0.1% net gain is 5.74 HU.

Phase 2

Phase 2 totals circa. 2.34 hectares (ha) and habitats include Arable - cereal crop, Grassland - modified grassland and other neutral grassland, Heathland and shrub - Bramble scrub and mixed scrub, Woodland and forest - other broadleaved woodland, Sparsely vegetated land - ruderal/ephemeral and Individual trees - rural tree. Two native and three non-native ornamental hedgerows are present along the boundaries of Phase 2.

Post development habitats will include Urban - developed land; sealed surface, introduced shrub and vegetated garden, Grassland - modified grassland and other neutral grassland, Heathland and shrub - mixed scrub, Woodland and forest - other woodland: broadleaved, individual trees - rural tree and urban tree. Additionally, it is proposed new native hedgerow and

non-native and ornamental hedgerow will be created, with lengths of the original native hedgerows retained.

The construction of the proposed development is predicted to result in a loss of -3.45 Habitat Units and a net percentage change of -30.65%.

The Site achieves in excess of the targeted 0.1% net gain for Hedgerow Units with a gain of +72.66%.

A number of species enhancements are to be implemented at the Site, including the provision of bat and bird boxes, measures to facilitate the movement of hedgehogs through the development and the recommended eradication of Japanese knotweed. It is considered that overall the level of net loss of HU would be reduced through the implementation of the qualitative measures.

It has been concluded that in order to achieve a 0.1% net gain in biodiversity, following BNG mitigation hierarchy, and even with consideration of the qualitative biodiversity enhancements, off-site compensation is required.

Off-site land within the same and third party land ownership was investigated but were ultimately not viable for the relevant landowners. As a result, the applicant has consulted with and entered into an agreement with the LPA to offset the on-site deficit and deliver the required 0.1% net gain through a commuted sum payment of £25,000 to £30,000 per Biodiversity Unit. The additional Biodiversity Units required to deliver a 0.1% net gain is 3.46 HU.

Tree Survey, Arboricultural Impact Assessment & Arboricultural Method Statement – March 2022

The survey records all trees within the site and all those which may be affected by any development proposals within the site boundary, recording a number of parameters including species, crown spread and Root Protection Area (RPA).

The survey recorded 5 hedgerows, 12 tree groups and 123 individual trees.

No trees are protected by Rotherham Council Tree Preservation Order (TPO). The site is not located within a Conservation Area.

The report makes recommendations for any measures to mitigate or compensate the loss of trees within the site and the likely impact on the site and the local landscape. These include:

- Replacement tree planting to compensate the loss of trees.

Phase 2 Pre-development Arboricultural Report – May 2024

There are 48 individual trees and 15 groups growing around the boundaries of the site and along a small water course. Most of the trees are small and

insignificant, because they are either from small growing species or they are very young trees. In recognition of this, three individual trees and two groups are included in the second highest category (B). The remaining 58 individual trees and groups have been included in the lowest retention category (C). Typically trees in retention category B are regarded as more important and a higher priority for retention than category C trees.

The proposed development would have a limited impact on tree cover in the area because the vast majority of the trees that would need to be removed are small and insignificant.

SSSI and Water Discharge Briefing Note – May 2024

This note has been prepared to address a query raised in ecology comments.

The original soakaway test showed that:

“None of the tests reached the 25% empty level, despite running for between around 2hrs to 4hrs. Levels recorded the following morning, after around 21 hours, had still not fallen sufficiently to allow calculation of a drainage rate.

Soakaway percolation in bedrock is predominately via joints within the rock mass. Consequently, consideration could be given to advancing rotary boreholes deeper into bedrock and undertaking falling head permeability tests in these, with a view to assessing the potential for soakaway via boreholes advanced into bedrock.”

The supplementary soakaway tests prepared trial pits and broke down beyond the rockhead to increase the chance of intercepting rock fractures, to aid infiltration. The two tests undertaken concluded that soakaways should not be used.

The FRA provides a surface water solution based on positive drainage.

The development will not result in any managed discharge to ground, and certainly not at the level identified in the risk zone notes on the MAGIC database. Surface water will be released at a controlled rate to existing YW infrastructure, which will also discharge at agreed rates.

The development of the site will reduce the impermeable area of the site by around 50%. This will retain some low level infiltration, which will help to avoid notable changes to the ground water regime at Denaby Ings and the Dearne Valley Wetlands- but will not involve major discharges that would affect those designations.

The surface water system is essentially piped, following difficulties establishing a soakaway solution.

The system will not, therefore, trigger the ground water limit identified on the database. It is considered that the development will not have any impact on the identified SSSI.

Hydrological connections to SSSIs Technical Note – June 2024

This Technical Notes provides a detailed review of the sites hydrological and hydrogeological connections to Denaby SSSI and Dearne Valley Wetlands SSSI.

The note concludes that the proposed development has little to no links with the SSSIs and therefore causes no significant impact to their hydrological regimes.

Affordable Housing Statement – February 2024

The statement includes details of the dwellings to be disposed of as affordable accommodation, the number and type of affordable dwellings proposed and the floor area of the affordable homes.

S106 Draft Heads of Terms

The document provides details and a breakdown on relevant requirements for the s106.

Agricultural Land Classification and Soil Resources

The survey area comprises a proposed permanent attenuation basin to the north-east of an allocated housing site.

Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use.

Land which is classified as Grades 1, 2 and 3a in the ALC system is defined as best and most versatile (BMV) agricultural land.

The profiles are restricted by sandstone bedrock at a depth of between 40-70cm. The profiles are assessed as Wetness Class (WC) I, which are freely draining and are restricted to Subgrade 3a or Subgrade 3b depending on the severity of droughtiness on crop growth throughout the growing season.

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 majority of the application site is allocated for residential purposes in the Local Plan and forms the whole of housing allocation H97, the land to the east

of Far Field Lane is allocated for Green Belt purposes. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 Delivering Rotherham's Spatial Strategy
CS3 Location of New Development
CS4 Development in the Green Belt
CS6 Meeting the Housing Requirement
CS7 Housing mix and affordability
CS14 Accessible Places and Managing Demand for Travel
CS19 Green Infrastructure
CS20 Biodiversity and Geodiversity
CS21 Landscape
CS22 Green Space
CS23 Valuing the Historic Environment
CS24 Conserving and Enhancing the Water Environment
CS25 Dealing with Flood Risk
CS27 Community Health and Safety
CS28 Sustainable Design
CS30 Low Carbon & Renewable Energy Generation
CS32 Infrastructure Delivery and Developer Contributions
CS33 Presumption in favour of sustainable development
SP1 Sites Allocated for Development
SP2 Development in the Green Belt
SP26 Sustainable Transport for Development
SP32 Green Infrastructure and Landscape
SP33 Conserving and Enhancing the Natural Environment
SP34 Sites Protected for Nature Conservation
SP35 Protected and Priority Species
SP36 Soil Resources
SP37 New and Improvements to Existing Green Space
SP39 Design and Location of Green Space, Sport and Recreation
SP42 Archaeology and Scheduled Ancient Monuments
SP43 Conserving and Recording the Historic Environment
SP47 Understanding and Managing Flood Risk drainage
SP49 Safeguarding Mineral Infrastructure
SP52 Pollution Control
SP54 Contaminated and Unstable Land
SP55 Design Principles
SP56 Car Parking Layout
SP57 Sustainable Construction
SP64 Access to Community Facilities

Other Material Considerations

National Planning Practice Guidance (NPPG)

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.

The specific Site Development Guidelines for this allocated site (H97).

South Yorkshire Residential Design Guide

National Internal Space Standards

Manual for Streets

Supplementary Planning Document

- Air Quality and Emissions
- Equal and Healthy Communities
- Affordable Housing
- Natural Environment
- Transport Assessments, Travel Plans and Parking Standards
- Trees
- Soils
- Biodiversity Net Gain
- Developer Contributions
- Green Belt

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 14 letters of representation have been received from individual addresses, including 1 letter of support.

The comments raised by those objecting are summarised below:

- Traffic concerns in respect of the access and egress to Doncaster Road from the estate, given the existing significant issues with volume of traffic.
- The number of vehicles associated with this development would impact on air pollution.
- The houses will be built on green belt farming land.
- It will have an adverse effect on wildlife.
- It will cause flooding issues.
- Impact on local facilities (nhs, dentists, schools, public transport etc.)
- The development would not benefit the local area.
- The development will result in a loss of light to neighbouring properties.

- The land to the west is used by local residents for walking dogs and there is no other suitable areas of Green Space in the area.
- The development provides very few affordable dwellings.
- Could the development of this site impact the structural integrity of existing neighbouring properties?

The letter of support notes that the scheme would be great for the area and for first time buyers in the area given the limited availability.

On receipt of amended plans and amended information further letters were issued to all those previously written to and those who had made objections, as well as new site notices. 8 letters of representation have been received in respect of the additional consultation, from occupants of properties who had commented originally and 5 letters from a new address.

The comments raised are summarised below:

- Doncaster Road is too busy, the road is in a bad state and hardly ever gets fixed.
- The services in the area are struggling, there aren't enough doctors in the area and there are no dentists taking on new patients in the area. Having more people is not going to relieve the existing residents struggles with doctors and dentists.
- There aren't enough affordable houses proposed, what is affordable?
- There is no mention of house prices.
- The proposals will impact on wildlife and green space.
- There are too many houses being proposed.
- There has been no growth or change of infrastructure within the villages to accommodate the extra traffic this will bring. There has been a decrease in public transport within the area.
- There are concerns over the development overlooking my personal property due to the topography of the land and concern over the consequences construction on that particular land will have for my property and others nearby. This is especially due to the land being at a higher elevation.
- Both secondary schools in the village are very full and although plans to expand these I am aware they are struggling to maintain staff numbers due to the volume of students and expectations placed on them.
- I do not think the area is suitable for a development with such numbers of dwellings when existing plots nearby have not fulfilled their potential.
- The development will result in the loss of sunrises I can see from my property which will impact my mental health.
- The proposals will devalue my property.
- The proposals would result in a loss of privacy and light.
- The area has significant flooding issues currently and the proposal would increase this issue.
- The number of dwellings within the development would have a negative impact on an already over used road network. This is mainly

due to the lack of infrastructure within the town of Wath upon Dearne and surrounding areas and the increase in pollution and congestion 294 homes would cause.

- It would have a huge impact on the already poor air quality within the vicinity of Doncaster Road / Gorehill Close.
- Should this planning application go ahead, please could you confirm if a community play area is to be provided for the new residents and if so would this be the area that is marked on the development plans as Leap - 400 SQ.M Standoff? Should this be the case then again we strongly object to the location of this proposed play area and find it would be in a highly inappropriate location and too close to the existing homes on Gorehill Close.
- We feel it has the potential for youths to congregate during unsociable hours and could lead to cases of antisocial behaviour as has happened to the majority of other designated play areas within Wath upon Dearne.
- We also feel that it is highly inappropriate to impose what has the potential to be a noisy play area on to the long established and quiet estate of Gorehill Close.
- There are environmental implications of covering up more of our dwindling green areas within our communities. Is it truly a net positive (profits not considered), to cover up what little greenery is left in our communities with houses/vehicles? The considerations documented within the ecology reports appear to be minimal efforts to address these concerns. Current residents, wildlife and the environment will likely come second to profit once again.
- I am concerned about the Green Space area on the plan directly behind the properties on the far left side of plan. This space is currently used by the general public for walking their dogs. I would like to know if the plan for this green space is to include a play park. I am concerned that this could be a possible area for gangs of youths to congregate and as a result create noise and disturbance for the existing residents on Gorehill Close.
- The proposed location for the basin in the opposite field cuts into a Romano British / Ironage trackway and other archaeological features (as can be seen through numerous crop marks). There is no mention of any archaeological works in this area of the proposed basin.
- The proposed play area should be moved to a more central location, possibly nearer to the Trim Trail. Relocating the play area would make it more accessible to potential residents of the new estate and cause less disturbance to the existing residents of Gorehill Close.
- The archaeology assessment submitted with this application shows that there are no records of archaeology on the site, but that there are crop marks that will need to be evaluated by geophysical survey.
- This is completely untrue. There are over 300 items of archaeological interest recorded from the area of land which surrounds the proposed development.
- MAParch have made no mention of these in their trial trenching written scheme of investigation but state that no prehistoric material has been

recovered in the vicinity of the site. Again this is not true, and was actually highlighted by SYAS on the 1st June 2023.

- SYAS were contacted in March 2024 regarding the inaccurate information contained within the MAPArch WSI. MAPArch to date have not corrected this and this has now clearly influenced the updated planning statement giving the impression that the site and surrounding area contains no archaeological material.

2 Right to Speak requests have been received from a local resident and the applicant's agent.

Consultations

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Air Quality: No objections subject to conditions.

RMBC Public Health: No objections subject to a condition regarding lighting and signposting.

RMBC Affordable Housing Officer: No objections subject to 25% affordable housing being achieved in line with policy.

RMBC Public Rights of Way Officer: There are no Definitive public rights of way affecting the site. Should claims asserting rights over this land be received then we would need to investigate those through the due process.

RMBC Drainage: No objections subject to conditions.

RMBC Land Contamination: No objections subject to conditions.

RMBC Green Spaces: No objections subject to conditions and securing of financial contribution for improvements to nearby play area.

RMBC Ecology: No objections subject to conditions.

RMBC Tree Service: No objections subject to conditions.

RMBC Landscapes: No objections subject to conditions.

RMBC Environmental Health: No objections subject to conditions.

RMBC Education: An education contribution would be requested for the local Primary School - Wath Victoria, which neighbours this development.

SY Combined Mayoral Authority: Require a contribution towards bus stop improvements.

Cadent Gas: No objections.

The Coal Authority: No objections.

SY Fire and Rescue: No objections but have made some recommendations to be included in Informatives.

Dearne and Dove: No comments received.

Yorkshire Water: No objections subject to conditions.

Doncaster Council: No comments received.

SY Archaeology Service: No objections subject to conditions.

SFSY (Super Fast South Yorkshire): No objections subject to conditions.

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

Sheffield Area Geology Trust (SAGT): No objections.

NHS (Clinical Commissioning Group): The development has the potential to trigger a contribution in line with the Developer Contributions SPD, which equates to £256,000 towards the provision of 4 consulting rooms at facilities close to the development site.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites and Landscapes.

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 (including Green Belt, agricultural land and loss of allotments)
- Design, Scale and Appearance

- Impact on Highways
- Landscapes
- Trees
- Ecology / Biodiversity
- Green Space
- Drainage and Flood Risk
- General Amenity
- Air Quality
- Affordable Housing
- Education
- Minerals
- Archaeology
- Land contamination and Soil Resources
- Other considerations

Principle of development

The part of the development site whereby the dwellings are proposed to be constructed is allocated in the adopted Rotherham Sites and Policies Document for residential and within policy SP1 'Sites Allocated for Development' is identified as Housing Site H97 (total area 9.94ha), which indicates the total site area has an indicative capacity of approximately 242 dwellings.

In addition, the land to the south which is proposed to have a temporary drainage solution is allocated "Safeguarded Land" and where the permanent attenuation basin is proposed to be formed is allocated for Green Belt purposes.

Residential

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Wath-upon-Deerne, Brampton Bierlow and West Melton is identified as a 'Principal Settlement', which is proposed to provide 1,300 new dwellings as part of the Local Plan. This application will help the Council to achieve these targets.

CS3 'Location of New Development' states: *"In allocating a site for development the Council will have regard to relevant sustainability criteria, including its (amongst other things): proximity as prospective housing land to services, facilities and employment opportunities, access to public transport routes and the frequency of services, quality of design and its respect for heritage assets and the open countryside."*

The majority of the site is allocated Residential and forms the whole of the Housing Allocation site H97 and as such the principle of residential development is acceptable and has been established through the extensive Local Plan process which included extensive public consultation, an

Examination in Public and the decision of an independent Planning Inspector appointed by the Secretary of State for Communities and Local Government who found no reason to not remove the site from the Green Belt and allocate as a residential housing allocation.

As set out above the Local Plan for the whole allocation sets out an indicative capacity of 242 dwellings and the submitted planning application has been revised to 269 dwellings which is considered acceptable in principle subject to all other material considerations being met.

Green Belt

Further to the above the red line application site boundary also includes an area of land to the east which sits outside of the housing allocation and is allocated as Green Belt within the Local Plan.

The proposals seek to use part of the land to accommodate a permanent balancing pond to replace a tank which was causing viability issues through the extra costs involved.

Section 13 'Protecting Green Belt Land' of the National Planning Policy Framework is relevant, along with the appropriate policies in the Council's adopted Local Plan in respect of Green Belt matters (CS4 Green Belt and SP2 Development in the Green Belt).

Paragraph 142 of the Framework states: *"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."*

The fundamental aim of Green Belt policy as set out in the NPPF is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In addition, the Green Belt serves five purposes as set out in paragraph 143 of the NPPF, which includes to check unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Local Plan policy CS4 'Green Belt' states: *"Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."*

Paragraph 152 of the NPPF states that: *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* This is supported by Local Plan policy SP2 'Development in the Green Belt'.

Paragraph 153 outlines: *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any*

harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Paragraph 155 states that certain forms of development are not inappropriate in the Green Belt provided that they preserved its openness and do not conflict with the purposes of including land within it. One of these exceptions is "engineering operations".

It is considered that the formation of a drainage basin falls within the category of "engineering operations" and therefore it is not inappropriate development as long as the works preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.

In this instance it is considered that given its size and most importantly its shallow depth together with proposed landscaping around the actual basin, it would have no adverse impact on the openness of the Green Belt. Furthermore, given its shallow depth it will only be filled during heavier rainfall events and the majority of the time would appear as a basin in the field. Therefore, having a natural appearance within the wider landscape.

Furthermore, given its shallow depth there will be no requirement for any railings around the basin or other associated paraphernalia such as life rings or signage etc., which again ensures it retains a natural appearance within the landscape.

The additional planting around the basin will also provide additional habitats and a screening of the basin from Doncaster Road so views from this vantage point will be unaffected.

It is therefore concluded that for the reasons set out above, the proposed drainage basin this Green Belt location is not inappropriate development.

Further to the above the temporary drainage solution in the land to the south on the safeguarded land would also fall within the "engineering operations" exception in paragraph 155 of the Framework. This feature is only required temporarily until any future development on the land to the south comes forward in the next plan period. Until this time, it will however introduce a positive drainage solution and will simply comprise of terracing the land to slow flows and provide some storage before the water hits the site.

Development on agricultural land

Further to the above, the drainage basin is to be sited on existing farmland and as a result an Agricultural Land Classification Report has been submitted in support of the application to provide an assessment of the site.

Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term

limitations on agricultural use. The principal physical factors influencing grading are climate, site conditions and soil which, together with interactions between them, form the basis for classifying land into one of the five grades.

Grade 1 land is excellent quality agricultural land with very minor or no limitations to agricultural use. Grade 2 is very good quality agricultural land, with minor limitations which affect crop yield, cultivations or harvesting. Grade 3 land has moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield, and is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land). Grade 4 land is poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields. Grade 5 is very poor quality land, with severe limitations which restrict use to permanent pasture or rough grazing.

Land which is classified as Grades 1, 2 and 3a in the ALC system is defined as best and most versatile (BMV) agricultural land.

High level Natural England ALC mapping suggest that it is Grade 3. However, it is not clear whether it represents Best and Most Versatile (BMV) land as it is dependent on a number of factors. The ALC submitted with the application indicates that it is possible that 0.7ha of the land where the drainage basin is proposed falls within 3a and 0.4ha falls within 3b. Whilst 3a would represent Best and Most Versatile land in agricultural terms it is a minor percentage of the rest of the field which would remain unaffected by the creation of the drainage solution and would remain in agricultural use. The loss of 0.7ha in this instance is considered acceptable, given it represents a loss of only 2% of the field surrounding and on balance its loss is therefore considered insignificant.

Access to Community Facilities

Policy SP64 'Access to Community Facilities' states: *“Residential development should have good access to a range of shops and services. On larger scale residential developments of 10 or more dwellings the majority of homes (minimum of 80%) should be within 800 metres reasonable walking distance (measured from the centre of the site, taking into account barriers such as main roads, rivers and railway lines) via safe pedestrian access of a local convenience shop and a reasonable range of other services or community facilities. This may require the provision of local services or facilities by developers where these requirements would not otherwise be met or where new development would place an unacceptable burden upon existing facilities, unless it can be demonstrated that such provision would not be viable or would threaten the viability of the overall scheme.”*

The site is within close proximity to shops and educational facilities on Doncaster Road and further along Doncaster Road towards Wath Town Centre are supermarkets, drinking establishments / restaurants and the Town Centre itself. There are bus stops sited along Doncaster Road as well with

transport links to Rotherham and Barnsley. Accordingly, the site is close to community facilities and within a highly sustainable location.

Housing Mix

Adopted Rotherham Core Strategy Policy CS7 'Housing Mix and Affordability' states: *"Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community."*

In respect of above and the mix of housing proposed on this site it is considered that the scheme complies with the requirements of the above policy. Whilst the majority of properties will be three and four bed two-storey there will be two bed properties both for open market sale and as affordable homes, which will provide an appropriate mix of dwellings on the site and in this location.

Healthy and Equal Communities

The adopted SPD 'Healthy and Equal Communities' raises awareness of the links between equality and health and wellbeing and includes a checklist to assist development proposals in considering these issues at the planning stage.

The Checklist has been submitted and assessed by the Council's Public Health department who have indicated that the application makes no reference to signposting. This could be secured by a condition requiring the submission of signposts to local green and blue infrastructure to allow access to safe, good quality green space for play and recreation opportunities.

Loss of Allotments

It is noted that part of the site south of Doncaster Road, was historically used as allotments and still has allotment status, although the land has not been used as allotments for a number of years.

The Site Development Guidelines states:

"Development proposals shall investigate the status of existing allotment land south of Doncaster Road and consider the need for allotment provision or enhancement in the wider locality (within a reasonable walking distance)."

This part of the site is owned by the Council and the Council Estates Department have made an application to formally dispose for the land through the formal process provided by the Allotment Act 1925. The Act sets 3 mandatory criteria for disposal in Section 8, which are:

1. That adequate alternative provision will be made for displaced plot holders;
2. That such provision is unnecessary; or
3. That such provision is not reasonably practicable.

As set out above, the land has not been used for allotment purposes for a number of years therefore there is no plot holders displaced. Furthermore, there is no need for replacement facilities as there are no existing plot holders on site and there is capacity in the existing allotments close to the site accessed off Sandymount Road.

As only one of the 3 criteria above need to be satisfied it is considered that the re-provision is not necessary. Therefore, the Site Development Guideline has been satisfied.

The land will be formally disposed of once the planning application has been determined and the Allotment Society have confirmed that they will remove their current objection with the Secretary of State. Requirements will be included within the s106 legal agreement to ensure no development commences until the formal disposing of the allotment land has been finalised.

The remainder of the report will focus on whether there are any other material planning considerations that would outweigh the presumption in favour of sustainable development.

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

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

Design, Scale and Appearance

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

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

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

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

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

The Site Development Guidelines sets out the following design consideration:

"The preparation of a detailed masterplan incorporating suitable design measures will be essential. Refer to Appendix 2 for guidance on the preparation of an appropriate masterplan".

It is of note that whilst the whole allocation is being developed under this one application, the applicant has submitted a Masterplan document to satisfy the aforementioned Site Development Guideline.

The development has also been designed to allow potential future access into the land to the south which is allocated safeguarded land should that site come forward in the next plan period. In addition, there will be areas of public open space throughout the site as well as areas of play which will be for the local community, not just residents of the development site.

With regard to the design of the dwellings, these are the housebuilders standard house types that are considered to be acceptable, in respect of their size, scale, form, design and appearance. All dwellings have uniformed features in respect of heads and sills that would run through the scheme. There will also be some detached garages sited throughout the scheme which will be of similar designs.

All the dwellings have adequate amenity space and appropriate outlooks, with internal space exceeding the national internal room standards and those set out in the South Yorkshire Residential Design Guide. The mix of dwellings types is also, on balance, considered acceptable with affordable units providing a good mixed community.

The scheme also includes landscape details with boundary detailing, tree planting and front garden lawns and shared planting areas. This will help to break up the car parking areas and also provide a good and attractive landscaping throughout the site.

It is also considered that the proposed boundary treatments as set out in the submitted plans would be acceptable in respect of size, scale, form, design and siting.

The size and location of the various areas of public open space within the site have been sympathetically designed and will include appropriate planting, footpaths, benches and play equipment.

Whilst the pumping station and electricity substation to the front of the site to the south of Doncaster Road would be utilitarian in appearance due to their functionality, they have been sited sympathetically away from views of existing or proposed dwellings within the site with landscaped areas around to soften its impact.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and would not have an adverse impact on the character of the immediate surrounding area from a visual design aspect. In addition, the proposed materials would be sympathetic to the area which has a mix palette

of materials. Moreover, the dwellings and garages in terms of size, scale, form and design would be standard house types and designs used by the developer on other similar sites and in general would be acceptable.

Impact on Highways

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.”*

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 110 and 112 of the NPPF.

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

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

Transportation Assessment

The Proposed Development - The site is land identified in the Rotherham Local Plan as a development site for housing. The current application is for a residential development of 269 dwellings accessed from Doncaster Road.

Trip Generation

The anticipated trip generation for the site is shown in the tables below:

Time Period	Vehicular Trip Generations (tested for 300 units)		
	Arrivals	Departures	Total
AM Peak 08:00-09:00	47	129	176
PM Peak 17:00-18:00	116	56	173

The above trip numbers have been established using industry standard software which collates data from similar size sites in similar locations which are now built out. Using Census travel to work data the above trips will be distributed as per the table below:

	B6097 West	A633 South	A633 North	B6098 North	A6023 Southeast	Golden Smithies Ln South	Manvers Way NW	Total
Percentage Distribution	22.05%	30.21%	8.13%	10.78%	13.26%	6.57%	9.00%	100.0%

Based on this distribution, investigation of the further impact on the following junctions has been undertaken.

- Proposed Site Access / Doncaster Road Priority Junction;
- Old Doncaster Road / Doncaster Road Priority Junction;
- B6098 Bolton Road / Pioneer Close/A6023 Wath Road / Golden Smithies Lane / Doncaster Road / A6023 Manvers Way Roundabout; and
- A633 Station Road / Doncaster Road/A633 Dearneway / High Street/B6097 Biscay Way Roundabout

Traffic growth has been accounted for using industry software, however, it should also be noted that given the length of time since the initial traffic assessment data was collected (2021), to the present day, then it was considered appropriate to seek further clarification of the vehicle numbers in the present day. This updated traffic flow information was conducted in 2023, with confirmation being received from the applicant's agent, to confirm that the number of vehicles recorded on Doncaster Road in 2023, represented a slight reduction to the numbers recorded in 2021. As such, the information used for the original modelling exercise (in 2021), is considered acceptable and robust.

Traffic Impact

Site Access/ Doncaster Road - The site access junction with Doncaster Road has been modelled and it has been demonstrated that the junction will operate well within its design capacity.

Old Doncaster Road/Doncaster Road Junction - The junction with Old Doncaster Road has been shown to function well within capacity up to and including the future design year.

Manvers Roundabout - The existing layout of Manvers Roundabout (Bolton Road/Golden Smithies Lane /Doncaster Road/Pioneer Close/Manvers Way) has been modelled in both present and future scenarios using the current layout of the junction. I have observed the roundabout at peak times and agree with the findings of the assessment in that it has demonstrated that the impact of the development will be minor and therefore no mitigation is required.

Wath Roundabout The junction has been modelled in both present and future scenarios using the current layout of the junction. I have observed the roundabout at peak times and agree with the findings of the assessment in that it has demonstrated that the impact of the development will be minor and therefore no mitigation is required.

It should be noted that since this modelling exercise was undertaken, the Manvers roundabout has been the subject of a new lining layout. The new layout of the roundabout does not affect capacity, but addresses concerns with regard to road safety and lane discipline around the roundabout.

Car parking

The proposed car parking facilities are in accordance with the Council's minimum residential car parking standards as required by Supplementary Planning Document No 12.

Pedestrian Accessibility

Pedestrian links in the area are good and comprise a combination of footways alongside the carriageway. Access to local facilities is considered to be good. Pedestrian dropped crossings facilities with appropriate intervisibility provided, will be provided on both sides of the proposed vehicle access into the development, with additional dropped crossing facilities across Doncaster Road to provide access to the nearby bus stop and existing pedestrian links to the Manvers area to the north of the development. This will be provided through both a S38 and S278 legal agreements.

An existing unmade footpath link to the southwest of the development site, currently within the Council's Greenspaces ownership, will also be upgraded and forms part of new pedestrian link into the site. This link will provide an alternative route to the nearby school(s) and other facilities for future residents, rather than using Doncaster Road. These works will be secured by a S106 agreement.

Public Transport

The TA's claim that the site is accessible by public transport is accepted however, no consideration has been given to the spare capacity of the services available. Although there are local bus stops, it is a relatively short walk to a wider range of services on Manvers Way offering a wider range of destinations. SYPTE have requested upgrades to two bus stops which will

include bus shelters and appropriate paving to help whilst boarding the bus. The bus shelters will be secured through the S106 agreement and the works to the highway through a S278 agreement.

Cycling Accessibility

There are no specific cycle facilities in the existing highway network in the immediate vicinity of the site. Nevertheless, there are a range of amenities and employment areas [accessible via the local highway network] that are located within an acceptable cycling distance (5Km) of the site. Within a short cycle ride it is possible to access the Trans Pennine trail and Manvers Way cycle infrastructure.

Road Safety

Recent accident records show that there are no road safety issues in the vicinity of the site. While accident risk may increase with changes to the traffic flow characteristics or volumes, the potential increase in the vehicle trips generated by the development is unlikely to materially affect the road safety record on the local highway network. Changes to the road characteristics and design of the access should take into account potential issues.

Sustainable Travel

The applicant has confirmed that they will fund sustainable initiatives at a rate of £500 per dwelling. The funds will be available for a range of initiatives / infrastructure improvements and the monies will be secured through a S106 agreement.

Conclusion

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

Further to the above, South Yorkshire Mayoral Combined Authority have requested a contribution towards the improvement of two bus stops. These include an upgrade of Doncaster Road / Far Field Lane (eastbound) shelter and then either reduce to half layby to allow for a 3 bay connect shelter to be installed at Doncaster Road / Cadman Street (westbound) or move the stop further east.

The total cost is approximately £59,610.22 and will be secured via the legal agreement.

In respect of Public Rights of Way it is of note that there are no definitive public rights of way affecting the development of the site, and there have been no claims logged with the Council at the time of writing this report.

There have been objections from local residents regarding the impact on highways and highway safety as a result of this development. Whilst these concerns are noted the Council's Transportation Infrastructure Service have confirmed that the scheme has been appropriately designed and there are measures in place to ensure that the impact is minimal. Therefore, a refusal on highway grounds would not be justified in this instance.

Landscapes

CS19 'Green Infrastructure' states: *"Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas... Proposals will be supported which make an overall contribution to the Green Infrastructure."*

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

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

The Site Development Guidelines in respect of landscapes states:

"Development proposals shall provide a strong structural landscape framework within which this development will sit. The appropriate long term management and maintenance of any existing or newly created Green Infrastructure assets within the development will need to be explored and funded."

The masterplan proposals submitted with the application offer many design suggestions that could result in a high quality scheme that will not only satisfy the planning policy requirement but create a decent living and working environment which positively contributes to the local character and distinctiveness of the area and the way it functions.

The large open spaces shown on the layout plan are welcome and there are good linkages through the site.

The Site Development Guidelines require that 'mature trees and perimeter hedgerows should be retained and incorporated into any development' and whilst the hedgerows to the front of the site are proposed to be removed to

allow for the access, there is sufficient scope within the site to create replacement planting areas and an attractive entrance feature to the site now that the drainage solution is proposed in the adjacent field. Furthermore, the land around the drainage pond will provide a for further habitat creation and additional planting proposals.

The close proximity of the development to the hedgerow along Far Field Lane raised concerns about pressure from a number of plots. This has been relieved to some extent in the revised layout plans which provides a section of buffering to the adjacent Green Belt.

The Visual Impact Assessment is very useful and helps demonstrate the impact of the development. The existing double hedgerow along Far Field Lane will help mitigate against the impact of the development on Green Belt.

The future management of the hedgerows that fall outside of the curtilage of residential dwellings will be the responsibility of the Management Company which the developer is required to form as set out in the accompanying legal agreement.

The requirement to mitigate against the impact on residents of Gorehill Close has been considered with a buffer of open space and planting proposals.

The 'boulevard', 'pocket park' and 'green square' are all really welcome features and form a strong landscape framework.

The Site Development Guidelines also requires a 'strong structural landscape framework' which the applicant has embraced and is most welcome.

The landscape masterplan indicates a significant amount of planting to plot frontages generally. Whilst there are a couple of instances whereby there are parking spaces of more than 6 not broken up by planting as is generally required, the areas where this occurs are on estate roads which have a reasonable number of street trees proposed.

In general, there are no major concerns with regard to the landscape proposals for the site or the impact of the development on the wider landscape. Therefore, in this instance for the reasons set out above it is accepted due to the character of the streetscene as a whole.

Trees

The NPPF and adopted Local Plan Policy CS21 'Landscapes' calls for developments to contribute to and enhance the natural environment specifically bio-diversity and green infrastructure.

A revised Arboricultural Impact Assessment has been provided. The report is considered to be accurate and to a good standard.

There are trees to be removed as part of the development including a some category B trees (T8 and 8 trees in G9), the remaining trees to be felled which includes 27 individual trees and 5 groups are category C.

Pruning is required to the western edge of G9 and the southern edge of G14, part of G54 and 4 individual trees.

The tree removals to facilitate the development will result in a minor loss of public amenity. However, the trees are generally low value and new proposed tree planting will go towards mitigating for the losses in the longer term.

The works specification to G9 of 'light pruning' is vague and will require a more detailed proposed work schedule, this can be included in a detailed Arboricultural Method Statement and Tree Protection Plan that can be conditioned.

The associated Arboricultural Method Statement provides advice on protection of the retained trees but suggests a more detailed Arboricultural Method Statement and Tree Protection Plan is required. This will be conditioned.

Having regard to the above it is considered that whilst some tree felling is required to facilitate the development, the new tree planting proposed will overcome their loss and provide additional tree planting on the site. Therefore, subject to conditions there are no objections to the development from a tree perspective and will comply with the policies referred to above.

Ecology / Biodiversity

Paragraph 180 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

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

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

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

The Site Development Guidelines require a Phase 1 habitat survey should be conducted and the presence of protected species (specifically foraging bats and badgers) should be checked. Mature trees and perimeter hedgerows should be retained and incorporated into any development, unless agreed in writing with the Local Planning Authority.

A number of ecological reports and surveys have been provided in support of the application as well as BNG metric.

Sites of Special Scientific Interest (SSSI)

There are designated sites within close proximity to the site. The Dearne Valley Wetlands SSSI is approximately 1.4km from the site and Denaby Ings SSSI is approximately 5km from the site.

The originally submitted Ecological Appraisal provided little assessment of the impact of the development on these sites and the Yorkshire Wildlife Trust commented on this application in October 2021 and stated that if the development is found to cause impacts on Denaby Ings then they will submit an objection.

Further information was provided in January 2024 by way of an updated Ecological Appraisal.

The updated report stated that it was unlikely that either of the two SSSIs listed above would be directly impacted by the development due to the distance between the designated sites and the application site and the lack of direct ecological connectivity, because the sites are primarily of interest due to the habitats present (rather than species which may use both the designated site and the Site). Furthermore, increased recreational pressure is unlikely to have a significant impact as these sites form part of a large area of greenspace in the wider area which is already accessible to the public. As a result no mitigation, compensation or enhancement measures are considered necessary.

Natural England have indicated that based on the plans submitted, they consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites and Landscapes.

The Yorkshire Wildlife Trust have commented that the Natural England response alleviates their previous concerns about the potential for hydrological impacts on the SSSI.

Bats

A bat activity survey report has been submitted (ecus, August 2022). These surveys observed bats using the development site for foraging and commuting. The surveys

identified that light pollution from the development will impact the bat species present and that the site will require a sensitive lighting scheme to limit potential impacts on bats.

Lighting should be limited along the wooded corridor to the west and hedgerows to the north of the eastern border where recorded bat activity was highest. These areas should be maintained as a dark corridor with no light spill as far as is reasonably practicable.

The provision of a lighting scheme should be conditioned.

Breeding Birds

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

The Yorkshire Wildlife Trust has indicated that the breeding bird survey and wintering bird survey indicate there is a reliance on suitable habitat in the surrounding area to the east for alleviating impacts on both breeding and wintering populations of skylark which is not appropriate, as those surrounding areas might already be at carrying capacity, which would result in an overall loss of habitat for ground nesting species in the locality.

They note that the report states that *"If land to the east comes up for development, it would then be recommended that options for off-Site compensation for the loss of suitable skylark habitat is secured. This should be through liaison with a local conservation body (such as the Yorkshire Wildlife Trust or the Royal Society for the Protection of Birds (RSPB)), to identify funding opportunities for long term habitat management for this species at a nearby local site."* This therefore indicates that the applicant is relying on land outside their control to offset the impacts of this development. We would suggest that the applicant should re-visit their strategy for ornithological impacts, which currently only focuses on those birds which will readily use nest boxes.

Notwithstanding the comments received above the Council's Ecologist comments and condition for the requirement for a Biodiversity Enhancement Management Plan (BEMP) to be submitted and approved prior to works commencing, will satisfy those comments above.

Therefore given the comments from the Council's Ecologist it is considered that there are no issues with developing the application site area in respect of impact on breeding birds.

Biodiversity Enhancements

The site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in line with

the National Planning Policy Framework Paragraph 180(d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design. This should include 15 bat boxes and 15 bird boxes (this should include 2 swift boxes) as well as hedgehog holes between all railings, fences, walls and other boundaries. This is to be conditioned.

Biodiversity Net Gain

Whilst the application was submitted prior to the national requirement of schemes providing a 10% net gain in BNG, the Council's adopted Local Policy SP33 'Conserving and Enhancing the Natural Environment' outlines that developments should result in no net loss.

The applicant has submitted a biodiversity net gain assessment.

Both phases of development will result in the loss of some habitat units, Phase 1 has a loss of 5.80 habitat units and Phase 2 a loss of 3.45 habitat units.

The BNG report states that the applicant has chosen to pay a commuted sum to the Council for each biodiversity unit lost to ensure that the development satisfies the no net loss criteria required by Policy SP33. This commuted sum will be secured via the legal agreement and would be in the region of £25,000 to £30,000 per habitat unit lost.

In addition to the above the developers are creating a significant amount of habitat on-site and this will need to the submission of BNG management plan for the on-site habitat and this will be conditioned.

Construction Environmental Management Plan

The preliminary ecological appraisal report outlines several precautionary working measures that must be carried out during the development phase to minimise the impacts on the protected species that may be present and recommends that a Construction Environmental Management Plan is supplied. This is to be conditioned.

Having regard to the above it is considered that subject to the commuted sum for the lost habitats on site and the conditions to secure on-site biodiversity enhancements and the future management of the on-site habitats the proposal would comply with the requirements set out in the national and local policies set out above. Therefore from an ecological and biodiversity perspective the application would be acceptable.

Provision of open space on the site

Policy SP37 'New and Improvements to Existing Green Space' states, in part, that:

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

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

The exception to this will be where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space or the overall development scheme. In these circumstances, then evidence shall be provided with the planning application to justify any lower level of Green Space provision on site or off site contributions. This shall take into account the nature of the proposed development, and the particular characteristics of the site and the wider local area.”

The application seeks permission for 269 new homes and as such the requirement for on-site open space as set out in policy SP37 is 14,795 sq. metres. Furthermore, there is currently no suitable equipped play area within 400m of the site, as such there is a requirement that the developer provides suitable on-site play provision to satisfy policy SP39 ‘Design and Location of Green Space, Sport and Recreation’, which outlines the principles to be followed when new play spaces are designed.

The Council’s Green Space Manager has indicated that the development provides a quantum of public open space (18,951 sq. metres) which exceeds the minimum public open space required to meet the requirements of policy SP37.

In respect of play provision on site to satisfy policies SP37 and SP39 it is noted that the scheme proposes in the public open space a LEAP (Local Equipped Area of Play), which would be sited the standard required distance (20 metres) from the nearest existing residential dwellings on Gorehill Close. The play area would include a variety of equipment for climbing, swinging and balancing. All the equipment provided would be constructed from timber.

The LEAP would be provided within Phase 1 of the development.

Furthermore, a commuted sum of £65,000 is required towards the upgrade of existing offsite play facilities off Avenue Road, Wath with the provision of around 90m of access path and a maintenance sum on completion of Phase 2.

A further requirement in the legal agreement will relate to the formation of a Management Company to manage and maintain the area of on-site open space and LEAP.

Accordingly, it is considered that the type of play is proportionate to the development proposed and the proposal satisfies part of policy SP37 ‘New

and Improvements to Existing Green Space' outlined above and policy SP39 'Design and Location of Green Space, Sport and Recreation', in respect of on-site public open space and play provision requirement.

Drainage and Flood Risk

Policy CS25 'Dealing with Flood Risk' states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. Furthermore, policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 167 and 169 of the NPPF.

The Site Development Guidelines states: *"A Flood Risk Assessment will be required. Consideration should be given to the location of a flood alleviation scheme in this locality as there is a possible overland flood route through this site and known flooding problems within the wider area...Where possible, development proposals shall have regard to the potential Dearne and Dove Canal restoration route in this area."*

A Flood Risk Assessment (FRA) has been submitted in support of the application and its contents have been deemed acceptable by the Council's Drainage Engineers.

The FRA confirms the site is located within Flood Zone 1, and whilst the development is "More Vulnerable" major development, there is no requirement for the Sequential Test or Exception Test.

Furthermore, it notes that the risk to the development of surface water flooding is very low in most parts of the site, but there is a high risk in the dry valley in the western part of the site and in the area close to the north-west boundary, to the south of Gorehill Close, and this area was flooded in November 2019. The FRA further confirms that the natural overland flow path for surface water from the upland catchment area to Brook Dike has been obstructed by the development of Gorehill Close and this is the cause of the flooding at the north-west corner of the site. The proposed drainage solution would alleviate this problem.

Finally, the FRA concludes that there is no risk of flooding from public sewers, but there is a risk of flooding from the site drainage system when capacity is exceeded, although this risk can be mitigated by suitable overland exceedance flow routes and these will be conditioned. In addition, the development will increase surface water runoff rates and volumes, but this will

be alleviated by the proposed drainage scheme for the development which will provide attenuation storage and a controlled discharge.

In respect of the drainage of the site both the Council's Drainage Engineers and Yorkshire Water have raised no objections in principle to the proposed drainage solution, which includes the formation of a shallow drainage pond on the adjacent land as well as a temporary drainage solution to the south of the development. The engineering solution to the south of the site would not be required should the adjacent land be developed, which when full would release water at a controlled rate into the wider farmers field and the existing pipework.

In light of the drainage solution put forward both the Council's Drainage Engineer and Yorkshire Water have recommended that more detailed information is supplied via suitably worded conditions for assessment at a later date. However, in principle the development would not increase flood risk in the area and the drainage solutions are deemed appropriate. Accordingly, the proposal subject to conditions would comply with the adopted Rotherham Policies and NPPF paragraphs referred to above and satisfies the Site Development Guideline for this allocated housing site.

General Amenity

Paragraph 135(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The Site Development Guideline states: "*The design and layout of proposals shall pay careful regard to the residential amenities of those living on Gorehill Close, incorporating appropriate mitigation measures where necessary.*"

In respect of amenity there are two elements

- i) the impact of the construction phase on existing local residents; and
- ii) the impact of the development once constructed on the amenity of both existing local residents and future residents of the site.

Impact of the construction phase on existing local residents:

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds and staff parking; measures to deal with dust and mud on the highway; and details of hours of construction and deliveries.

Impact of the development once constructed on the amenity of both existing local residents and future residents of the site.

With regard to impact on future residents a Noise Impact Assessment has been submitted in support of the application which includes a proposed noise mitigation scheme including specific glazing and ventilation to be installed.

The proposed development site is bordered on the north by Doncaster Road with more distant retail and industrial developments influencing the noise climate.

The Noise Assessment concludes that indoor ambient noise levels and external noise levels in the gardens as specified in BS8233:2014 can be met provided the mitigation measures as detailed in Sections 7.0, 7.1 and 7.2, and Appendix 4 are implemented. This includes the installation of specific glazing and trickle ventilation.

Further to the Noise Assessment, an Overheating assessment was submitted and concludes that the provision of an alternative ventilation scheme is not required to control thermal comfort without the need to open windows.

It is therefore considered that subject to the implementation of the mitigation measures in the Noise Impact Assessment, which will be secured via a condition, the impact of the adjacent noise sources would not adversely affect the amenity of future residents.

Further to the above, consideration shall be had to the impact of the physical built development of the scheme hereby proposed on the amenity of neighbouring residents in respect of overlooking, privacy, overshadowing and loss of light etc. The Site Development Guidelines states:

“The design and layout of proposals shall pay careful regard to the residential amenities of those living on Gorehill Close, incorporating appropriate mitigation measures where necessary...”

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

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

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, and all properties whether back-to-back or back-to-side should, as appropriate to specific circumstances, be limited by the 25 degree rule.

Further to the above the NPPF at paragraph 135 states, in part, that planning decisions should ensure that developments *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”*

In respect of the above policies and guidance, it is noted that the inter-house spacing distances between properties hereby proposed would meet the requirements of the guidance detailed above. The few plots that do not meet the 10m are substandard due to their parking spaces and / or access paths, therefore the spacing distances are satisfied and / or the private rear garden sizes are satisfied. Therefore, there would be no overlooking or privacy issues between future residents.

In addition to the above and in respect of the impact of the proposed dwellings on the amenity of existing neighbouring residents. It is of note that the spacing distances between the proposed dwellings and those existing properties on Sandymount Road and Gorehill Close either meet or exceed the spacing distances set out in the South Yorkshire Residential Design Guide. Therefore, the impact on future residents would be in compliance with SP55 ‘Design Principles’ and the relevant paragraphs of the NPPF referred to above. Accordingly, due to the size, scale, form, design and siting of the proposed dwellings, together with land levels, boundary treatment and orientation, there would not be a significantly adverse impact, in terms of appearing oppressive and overbearing or give rise to levels of overlooking or overshadowing that would have a significant adverse impact on the living conditions of existing neighbouring residents.

The scheme has therefore been designed to take into account the character of its immediate surroundings, insofar as the dwellings hereby proposed have been sited a suitable distance from both rear gardens and rear elevations of surrounding properties.

With the above in mind and having regard to the objections raised in respect of overlooking and loss of light, it is considered that on balance, the proposed development adequately addresses how the development does not affect the amenity of existing resident, as well as how the future residents of the development will also be provided with sufficient amenity. The proposal is therefore considered acceptable and in accordance with the guidance contained within the SYRDG, adopted Local Plan policy SP55 ‘Design

Principles', the Site Development Guidelines and the relevant paragraphs of the NPPF.

Further to the above, there have been concerns raised by residents on Gorehill Close regarding the close proximity of the play area to the rear of their properties with regard to potential anti-social behaviour. As set out in preceding sections of the report there is a policy requirement for a development of this size to provide on-site play facilities. The play facilities proposed would satisfy the Local Equipped Play Area (LEAP) provisions and would be sited with the required 20m stand-off distance to neighbouring properties as set out in the LEAP guidance.

In addition, the LEAP is overlooked by 8 plots on the new development which will provide a good level of natural surveillance which will hopefully discourage any anti-social behaviour. Furthermore, there is a good distance between the LEAP and properties on Gorehill Close and the tree and shrub mix / orchard that will be planted will act as a barrier.

Should any ASB occur, this would be dealt with via the usual means by enforcement by the Police if needed.

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 135(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

Air Quality and Sustainability

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 116 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 adopted Rotherham SPD 'Air Quality and Emissions', indicates that dwellings with in-curtilage parking spaces are required to provide 1 EV charging point per dwelling. No information has been submitted with the application therefore a condition will be imposed which requires the submission of details, including the type and location of the EV chargers prior to each dwelling being occupied.

Having regard to the above and subject to the aforementioned condition it is considered the development complies with the requirements of adopted Local Plan policy CS30, the adopted SPD 'Air Quality and Emissions' and

paragraph 116 of the NPPF, all of which emphasise sustainable development, energy efficiency and reduction in carbon emissions.

Affordable Housing

In regard to affordable housing provision, Policy CS7 'Housing Mix and Affordability' states: "...The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:

- a) *Sites of 15 dwellings or more shall provide 25% affordable homes on site..."*

Whilst the developer has previously argued the viability of the site and several occasions during the determination of the application, it has now been agreed that the site is viable and as such the development can provide the required 25% of affordable homes on site. This equates to 67 homes being affordable under the terms set out in the s106 legal agreement.

Education

With regard to education, the Council's Education Department have indicated that the scheme would be required to provide a commuted sum for education provisions at the local Primary School – Wath Victoria, which neighbours this development.

On the basis of the amended number of dwellings and the house types proposed the final education contribution that would be secured within the legal agreement accompanying the application would equate to: £518,705 in total (£412,144 on phase 1 and £105,561 on phase 2).

Minerals

The site is located within a Mineral Safeguarding Area, policy CS26 'Minerals' states: "*Proposals for non-mineral development within the Mineral Safeguarding Areas...will be supported where it can be demonstrated that:*

- a. *the proposal incorporates the prior extraction of any minerals of economic value in an environmentally acceptable way; or*
- b. *mineral resources are either not present or are of no economic value; or*
- c. *it is not possible to extract the minerals in an environmentally acceptable way or this would have unacceptable impacts on neighbouring uses or the amenity of local communities; or*
- d. *the extraction of minerals is not feasible; or*
- e. *the need for the development outweighs the need to safeguard the minerals for the future; or*
- f. *the development is minor or temporary in nature; or*
- g. *development would not prevent the future extraction of minerals beneath or adjacent to the site..."*

The applicant considers it unlikely that the site would be granted future permission for extraction of minerals and as such development for residential purposes is not considered a loss of a future resource. This assessment is supported and as such policy CS26 has been satisfied.

Archaeology

The Site Development Guidelines state that:

“Future development proposals will need to be supported with a Heritage Statement for Archaeology prepared in line with the requirements for site classification 2 highlighted blue in Table 17 'Heritage Statement for Archaeology Requirements’.”

The application area is of archaeological interest and was scoped as part of the Council’s Archaeological Scoping Studies evidence base made during the local plan allocation process, identifying it as having ‘uncertain’ objections to development (LDF 297 & 298). This assessment concluded that there was an increased likelihood to encounter remains dating to the prehistoric and Romano-British periods due to the presence of cropmarks in the area.

The National Planning Policy Framework para. 203 states that the effect of a scheme on non-designated heritage assets should be considered in determining the application. The level of weight afforded is to be proportionate to the scale of harm and the significance of the asset. Where development resulting in the loss of archaeological sites is permitted, local plan policy SP42 ‘Archaeology and Scheduled Ancient Monuments’ and NPPF para. 205 requires that provision be made to secure a record of archaeological remains in advance of their loss.

The applicant has supplied information in relation to the archaeological interest of the site which has set out an assessment of the archaeological sensitivity of the site and a strategy for its further investigation through a programme of evaluation trenching. It has been noted that the submitted documents do not take account of the Portable Antiquities Scheme (PAS) dataset, a record of artefacts found through metal-detecting and field-walking, and that this additional evidence has not been taken into account in reaching their conclusions. The South Yorkshire Archaeology Service have reviewed the submitted documents alongside sources of information available through the Historic Environment Record, including the PAS dataset, and conclude that whilst further field evaluation is required to confirm the exact importance, based on current information it is anticipated that buried remains within the site could be of up to regional heritage significance.

The reports identify the presence of cropmark and geophysical evidence within and adjacent to the site indicative of prehistoric to Romano-British enclosures. In addition, the PAS records a large number of artefacts of prehistoric to post-medieval date have been discovered within the area. This evidence combines to suggest the site lay within a landscape of prehistoric

and Romano-British fields, trackways and settlements. Due to the nature and spread of evidence, there is good potential for this activity to have extended across the proposed application area. Evidence for such activity is comparatively rare in Rotherham, and it is likely to preserve information that would contribute to regional research objectives and is considered to constitute a non-designated heritage asset.

The document “Land West of Far Field Lane, Wath Upon Dearne, South Yorkshire: Written Scheme of Investigation – Archaeological Evaluation by Trial Trenching” sets out a strategy for archaeological investigation that has been approved in writing on behalf of the Local Planning Authority. The development shall only take place in accordance with the approved Written Scheme of Investigation (WSI) unless an updated WSI and timetable has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Land Contamination and Soil Resources

The application site is 9.6 hectares and currently comprises three adjoining parcels of land, herein referred to as:

Area A – Grassed fields in the west

Area B – Arable farmland in the centre and the east

Area C – Dense vegetation in the far northeast

The land has largely been occupied by arable farmland with an associated piggery throughout time, although allotment gardens are shown in areas A and C from circa 1930.

Historically the land has been used for agricultural purposes/allotments with no obvious development having taken place. However, it was considered there was some potential for the site to be impacted from contamination associated with past farming practices (the use of organic substances such as pesticides, herbicides, and fungicides), past allotment uses, the presence of naturally occurring metals within the soils and from the infilling of a canal to the immediate north of the site.

Fly tipped material was reported to be present within Area C and in a drainage ditch separating Area's B and C. These materials were observed to be contaminated with asbestos containing materials. Also, within the centre of Area A, a large area of cleared vegetation was reported to be present and was thought to be in association with the treatment of Japanese Knotweed. It is reported there are 3 areas of Japanese Knotweed present on the application site.

For the above reasons, intrusive site investigations were undertaken between the 26th and 28th April 2021 and on the 23rd September 2021, to determine both the geotechnical and geo-environmental ground conditions across the

site and to assess if any significant soil and groundwater contamination associated with the past historical uses of the site could impact on the proposed residential development of the site.

The site investigation works comprised the excavation of 52 trial pits and the testing of 53no. samples of topsoil/made ground/natural ground, that were collected from across the site to assess for site wide contamination. The soil samples were submitted to an accredited laboratory for chemical testing.

Testing of samples has revealed that topsoil across most of the site is suitable for re-use. However, localised made ground topsoil present in Area A (typically 0.7m thick) and the whole of Area C (up to 0.45m thick) is not considered suitable for re-use. The results of testing in these areas have yielded elevated concentrations of lead and contain asbestos fibres (chrysotile and crocidolite).

Made ground topsoil will therefore require isolation beneath areas of either hard standing (e.g., roads) or public open spaces, below a minimum of 600mm thick surface cover of clean (tested) soils, comprising 500mm subsoil and a minimum of 100mm topsoil. Given the presence of asbestos fibres a minimum of 150mm thick 'hard to dig' layer should be placed beneath the soil cover layer, or a high visibility contaminated ground/marker barrier should be placed beneath the soil cover. This 'hard to dig' layer will break potential contaminant linkages between the contaminated made ground and future end users of the site.

Of the remaining samples/determinants tested, no contaminants were recorded within the topsoil or natural ground across the site that were above governmental guideline values for a residential end use.

To date gas monitoring across the site has not been undertaken but will be required due to the presence of the nearby backfilled canal. Gas monitoring wells should be installed across the north of the site with subsequent gas monitoring being undertaken. It has been further recommended by the consultant that testing for dissolved gases in groundwater samples be undertaken, if groundwater levels are found to be shallow. It is considered that given Doncaster Road overlies the canal, which is likely to have drainage infrastructure, the risk of gas migration cannot be discounted as gas would normally vent to atmosphere. However, given the seasonal groundwater levels are not known for the site, the risk of dissolved gases migrating beneath the site in groundwater cannot be discounted.

Elevated concentrations of sulphates have been detected within the soils across the site which have the potential to attack sub-surface concrete. All sub-surface concrete will need to be Design Sulphate Class DS1 with a corresponding ACEC classification of AC-Z2.

In conclusion it is considered there is low risk to the future users of the site from potential contamination and the site is considered suitable for its proposed end use. However, limited contamination has been identified within

Made Ground Topsoil in Area A and for the whole of Area C and consequently some remedial works will be required to ensure the site is suitable for its proposed end use.

Therefore, having regard to the above it is considered that subject to conditions the site can be developed for residential purposes without causing an issue to future occupants from a land contamination perspective.

Further to the above, given the greenfield status of this site a Soil Strategy will be required in accordance with policy SP36 'Soil Strategy'. SP36 states: *"Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority. Applicants should demonstrate, in their proposals, that there are feasible and appropriate methods, locations and receptors for the temporary storage and reuse of high-quality soils. Built development should be designed and sited with an appreciation of the relative functional capacity of soil resources and threats to soils with the aim of preserving or enhancing identified soil functions."*

The development will involve the re-use of suitable topsoils within landscaping and garden areas. It is considered unlikely that there will be issues with surplus soils needing transportation off site. Where soils are stored for re-use, best practice guidelines will be followed to ensure that their quality is not compromised during storage.

The development will provide new greenspaces, landscaping and garden areas that will be permeable and help avoid soil erosion by being bound with planting and slowing water flows within and off the site.

Should it be required to import soils to create the landscaped and garden areas, those materials will be certified clean.

With this in mind it is considered that the proposals accord with policy SP36 'Soil Resources'.

Other considerations

The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. A condition is recommended that would address this matter.

In respect of waste management requirements, it is considered that the information provided in the planning statement and design and access statement are not acceptable as regards the waste management requirements which are set out in policy WCS7 'Managing Waste In All Developments'. As such a Waste Management Plan complying with WCS7 will need to be submitted and will be secured by way of condition to any permitted scheme.

In regard to the impact of the development on services such as the NHS, the NHS CCG have commented that the area is covered by both Market and Crown Street surgeries and will lead to approximately 700 new patients who will have the choice of where to register.

Both Market and Crown Street are already operating with less physical space than they should have for their list sizes, and this demonstrates that they are under significant pressure to deliver services within the space they have available to them, and both would struggle to accommodate further expansion. However, 700 patients would not necessitate a new surgery and whilst some patients would likely to be already registered at a practice there are concerns about the impact of this development on capacity.

In light of the above, the NHS have indicated that they would be able to apply the calculations outlined in the Council's adopted 'Developer Contributions' SPD and determine where the need was and how a developer contribution would help them to meet it. Using the calculations in the SPD, they have confirmed that an additional 4 consulting rooms at 16m² each would be required to meet the future demand from this development. At a cost of £4,000 per m², this would equate to a contribution of £256,000.

This contribution would be required on the occupation of the last dwelling on phase 1 and prior to the contribution being paid by the developer, the NHS will be required to show how the new rooms can be provided and where. If evidence is not provided or it is not feasible to extend existing premises, the requirement for the contribution would lapse.

Other responses to objections.

With regard to the objections received, those that relate to matters relating to the principle of development, highway issues, ecology, drainage and flood risk; impact on local amenities / facilities, impact on amenity of existing residents and archaeology matters have been considered in the prevailing sections of this report.

An issue has been raised regarding impact on house prices, whilst noted the impact of a development on house prices is not a material planning consideration and as such no weight can be given to this matter in the judgement of this application.

Conclusion

Having regard to all of the above and the issues raised by the objectors it is considered that the site is allocated for residential purposes in the Council's adopted Local Plan, as such the principle of residential on this site is acceptable and the provision of the drainage basin in the adjacent allocated Green Belt would not constitute inappropriate development as it satisfies one of the exceptions for new development.

In addition, the scheme put forward will provide much needed new housing on an allocated housing site close to local facilities and in a sustainable location that would not result in significant impact on the local highway network, air quality or the environment. In fact, it is considered that the scheme put forward with the landscaping, EV charging points and public open space will help in providing an enhancement in terms of biodiversity and sustainable transport methods.

It is therefore, considered that having considered the planning balance the scheme put forward satisfies the requirements set out within both national and local planning policies and guidance, and for the reasons set out in this report the application is recommended for approval subject to conditions and the signing of the s106 legal agreement.

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. Conditions numbered 5, 8, 9, 11, 15, 16, 19, 23 and 32 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 5, 8, 9, 11, 15, 16, 19, 23 and 32 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.'

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 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) and in accordance with all approved documents.

2025-SI-01 Rev E – Location Plan
2025-SI-04 Rev T – Planning Layout

2025-SI-06 Rev C – Phasing Plan
2025-SI-09 Rev C – Tracking Plan

2025-HT-50-01 – Affordable 50
2025-HT-51-01 / 2025-HT-51-02 – Affordable 51
2025-HT-53-01 – Affordable 53
2025-HT-55-01 – Affordable 55
2025-HT-DF-01 – Denford
2025-HT-EL-01 / 2025-HT-EL-02 – ELLERTON
2025-HT-MA-01 / 2025-HT-MA-02 – MAIDSTONE
2025-HT-MO-01 / 2025-HT-MO-02 – MORESBY
2025-HT-DE-01 – DENBY
2025-HT-KG-01 / 2025-HT-KG-02 – KINGSVILLE
2025-HT-KI-01 – KINGSLEY
2025-HT-WI-01 – WINDERMERE
2025-HT-RI-01 – RIPON
2025-HT-AL-01 – ALDERNEY
2025-HT-HE-01 – HESKETH
2025-HT-HA-01 – HALTON
2025-HT-RA-01 – RADLEIGH
2025-HT-AF-01 – ALFRETON
2025-HT-ARC-01 / 2025-HT-ARC-02 – ARCHFORD
2025-HT-ECK-01 – ECKINGTON
2025-HT-HAD-01 / 2025-HT-HAD-02 – HADLEY
2025-HT-ING-01 – INGLEBY
2025-HT-KEN-01 – KENNETT
2025-HT-MIL-01 – MILLFORD
2025-HT-KIR-01 – KIRKDALE
2025-HT-HER-01 – HERFORD
2025-HT-AVN-01 - AVONDALE

2025-GA-01 / 2025-GA-02 / 2025-GA-03 / 2025-GA-03 – SINGLE AND
DOUBLE GARAGES

23/766/10571A – Basin Layout
23/766/10572A – Basin Layout Cross Sections

FFL-1 Rev 8 – Landscape Masterplan
FFL-1A – LEAP Detail

Reason

To define the permission and for the avoidance of doubt.

Prior to construction 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

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

04

Prior to the first dwelling being occupied details of signposting to walking and cycling networks and links to them shall be submitted to and approved by the Local Planning Authority. The details shall include the location, design, appearance, scale and height of signs.

Reason

To promote access to local green and blue infrastructure and allow access to safe, good quality green space for play and recreation opportunities.

Construction Management Plan

05

Prior to any works commencing on site a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction and demolition related activities - Contractors and site staff are expected to use the best practical means to minimise noise on site. Regard shall be had to the guidance detailed in BS5228 2009: 'Noise and Vibration Control on Construction Sites'.
- Dust arising from all construction and demolition related activities - Contractors and site staff are expected to use the best practical means to minimise dust on site. Regard shall be had to the guidance detailed in Institute of Air Quality Management- Guidance of the assessment of dust from demolition and construction 2014.
- Artificial lighting used in connection with all construction related activities and security of the construction site - Contractors and site staff are expected to use the best practical means to minimise light nuisance on site. Regard shall be had to the guidance detailed in the Institute of Lighting Professionals - Guidance Note 01/21 – Reduction of Obtrusive Light.

The CEMP to be submitted shall be in report format and as a minimum is to include the following details as specified in the subheadings below:

- Program and Phasing Details

- Site layout
 - Operational hours
 - Expected duration of demolition and construction work phases
- Site Management
 - Contact details of site manager for public liaison purposes
 - Complaints procedure - Roles and responsibilities
- Routes for Construction Traffic
 - Routes to be used for access onto site and egress
 - One way systems
 - Haul routes (onsite and delivery)
- Site Access, Storage and Movement of Materials
 - Delivery access point details
 - Location details of storage areas, including parking of vehicles and areas for loading / unloading of materials
 - Delivery times of materials and plant
- Dust, Debris and Mud
 - Screening and hoarding
 - Preventative measures
 - Dust suppression measures
 - General and machinery
 - Wheel wash facilities
 - Road sweeping facilities
 - Covering of dusty stockpiles
 - Vehicles carrying dusty loads
 - Dust monitoring
 - Boundary checks
 - Monitoring of weather including wind speed and direction, dry conditions etc
- Noise and Vibration Control
 - Silencing of vehicles, plant and machinery
 - Mitigation measures for noisy operations
 - Operational hours
 - One way systems
 - Vehicle reverse alarms
 - Leaflet drops to noise sensitive premises
- Artificial Lighting
 - Hours of operation of the lighting
 - Location and specification of all of the luminaires
 - Level of maintained average horizontal illuminance for the areas that needs to be illuminated
 - Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity
 - Measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- Waste Management
 - Waste storage
 - Waste collection
 - Recycling

- Waste removal

Reason

To safeguard the amenities of the occupiers of nearby properties and promote sustainable development.

Air Quality and Emissions

06

Before the first dwelling is occupied details of electric vehicle charging and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space

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

Reason

In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement.

Amenity

07

The scheme of sound attenuation including glazing and trickle ventilation, shall be provided and installed in accordance with the criteria as specified in Sections 7.0, 7.1 and 7.2, and Appendix 4 of the Noise Assessment by SLR, dated: March 2022 (Ref: 403.04993.00078, Version No.3)

Reason

To safeguard the amenities of the occupiers of nearby properties and promote sustainable development.

Highways

08

Prior to the commencement of works details of the proposed vehicle access and works associated with the alteration to the change in speed limit location as indicated in draft form on Drg No 21063/GA01 on Doncaster Road shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the first dwelling.

NB. This will require the developer to enter into a S278 agreement with the Council, the applicant should contact david.phillips@rotherham.gov.uk in this regard.

Reason

In the interests of highway safety.

09

Prior to the commencement of works details of the provision of a dropped pedestrian crossing in Doncaster Road and footway links as indicated in draft on Drg No 2025-SI-04 Rev T shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the first dwelling.

NB. This will require the developer to enter into a S278 agreement with the Council, the applicant should contact david.phillips@rotherham.gov.uk in this regard.

Reason

In the interest of highway safety.

10

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.

11

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

12

Prior to the first dwelling being occupied a Travel Pack shall be produced in the form of an introduction pack to the area with information on buses, trains, cycle and walking routes, local facilities such as schools, doctor's surgeries and other local facilities (shops, parks etc.) and submitted to and approved by the Local Planning Authority. The approved Travel Pack shall be provided for each new resident on first occupation of any dwelling.

Reason

In order to promote sustainable transport choices.

Ecology

13

Notwithstanding the submitted details, before above ground works commence details of external lighting shall be submitted to and approved in writing by the Local Planning

Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- a) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- b) Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- c) A description of the luminosity of lights and their light colour;
- d) A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- e) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR));
- f) Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reason

To minimise light pollution and reduce the impact on wildlife.

14

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 order not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

15

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

- i) Description and evaluation of features to be managed and enhanced; including
 - a) Description of new landscape planting incorporating native plant species
 - b) Gaps of suitable dimensions (130mmx 130mm) should be provided at the foot of permanent perimeter and boundary fences at selected points to permit the movement of hedgehogs around the site post construction.
 - c) The location and number of bat roosting features should be included within the new residential properties
 - d) The location and number of bird nest boxes (including two swift boxes) should be integrated into the new residential properties.
- ii) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- iii) Aims and Objectives of management;
- iv) Appropriate Management Actions for achieving Aims and Objectives;
- v) An annual work programme (to cover an initial 5 year period);

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

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

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

Reason

To ensure no net loss in biodiversity across the sites.

16

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of biodiversity and ecology.

Landscapes

17

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- The positions, design, materials and type of any surface treatment to be constructed.
- The positions, design, materials and type of any external space furniture to be provided.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for ongoing maintenance and a schedule of operations.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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

18

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.

Trees

19

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

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

- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes
- A Tree protection plan** in accordance with BS5837* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.

- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule.

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

Evidence shall be submitted to the Local Planning Authority show that the development is being carried out in accordance with the method statement and tree protection plan. This could include a written record of the project arboriculturist site visits and/or a set of photos of the detailed tree protection fencing in place throughout the duration of the development.

*Using the most recent revision the of the Standard

** Plans must be of a minimum scale of 1:200

Reason

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

Drainage

20

Development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 22/0041.02, Revision 03, dated 3rd July 2024), prepared by JOC Consultants Ltd, to mitigate on and off-site flood risk. Floor levels and flood susceptible infrastructure should be a minimum of 150mm above finished ground level.

Reason

To ensure that the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

21

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge as set out in the submitted Flood Risk Assessment (ref: 2025-HT-AVN-01 rev 02), dated 17th January 2024, prepared by JOC Consultants.

Reason

In the interest of satisfactory and sustainable drainage.

22

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will

have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

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

Reason

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

23

The development hereby granted shall not be begun until details of the foul & surface water and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

Reason

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

Land Contamination

24

Prior to above ground works commencing in each phase, a Remediation Method Statement shall be provided in accordance with sections 14.2.1 and 14.2.5 of the report entitled 'Geo-Environmental Appraisal – Land at Farfield Lane, Rotherham' prepared by Lithos Consulting Ltd, dated October 2021, Reference 4004/1a, and shall be approved by this Local Authority prior to any remediation works commencing on site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25

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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26

26

Due to elevated sulphate concentrations being detected, buried concrete for the site should be designed to a design sulphate classification of DS-1 with a corresponding ACEC class of AC- Z2.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27

If subsoil/topsoil is required to be imported to site for remedial works/garden 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 which will need to be presented within a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Archaeology

29

The document 'FFLW22_TT-WSI-VD170823' sets out a strategy for archaeological investigation that has been approved in writing on behalf of the Local Planning Authority. The development shall only take place in accordance with the approved Written Scheme of Investigation (WSI) unless an updated WSI and timetable has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

Waste Management Plan

30

Prior to the development being first occupied a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 1) information on the amount and type of waste that will be generated from the site;
- 2) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);
- 3) an assessment of the potential to re-use or adapt existing buildings on the site (if demolished it must explain why it is not possible to retain them);
- 4) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 5) measures to minimise the use of raw materials and minimise pollution of any waste;
- 6) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 7) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and

- 8) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

Communication

31

Prior to first occupation of a dwelling on this site, information relating to the availability of infrastructure to enable the provision of gigabit capable full fibre broadband should be submitted and approved by the LPA. If the necessary infrastructure is available to enable provision, details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

Local Labour Agreement

32

Prior to the commencement of development, the attached Local labour Agreement pro forma for the construction phase of the development shall be completed in its entirety and submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Agreement and within 3 months of completion of the approved development, data shall be submitted to the Local Planning Authority demonstrating how the indicators were met.

Reason

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

Informatives

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990.

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

02

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

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

03

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

04

SY Fire and Rescue have made the following recommendations:

- Access for appliances should be in accordance with Approved Document B, Volume 1, part B5, Section 13.
- Water supplies should be in accordance with Approved Document B, Volume 1, part B5, Section 14.
- However, subject to Section 55 of the South Yorkshire Act 1980, South Yorkshire Fire & Rescue now have pump appliances with a gross weight of 18 tonnes, which is significantly heavier than indicated in ADB 1, section 13.

05

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a

design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

07

SY Police ALO recommends the site is developed in accordance with Secured by Design standards (www.securedbydesign.co.uk)

08

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

09

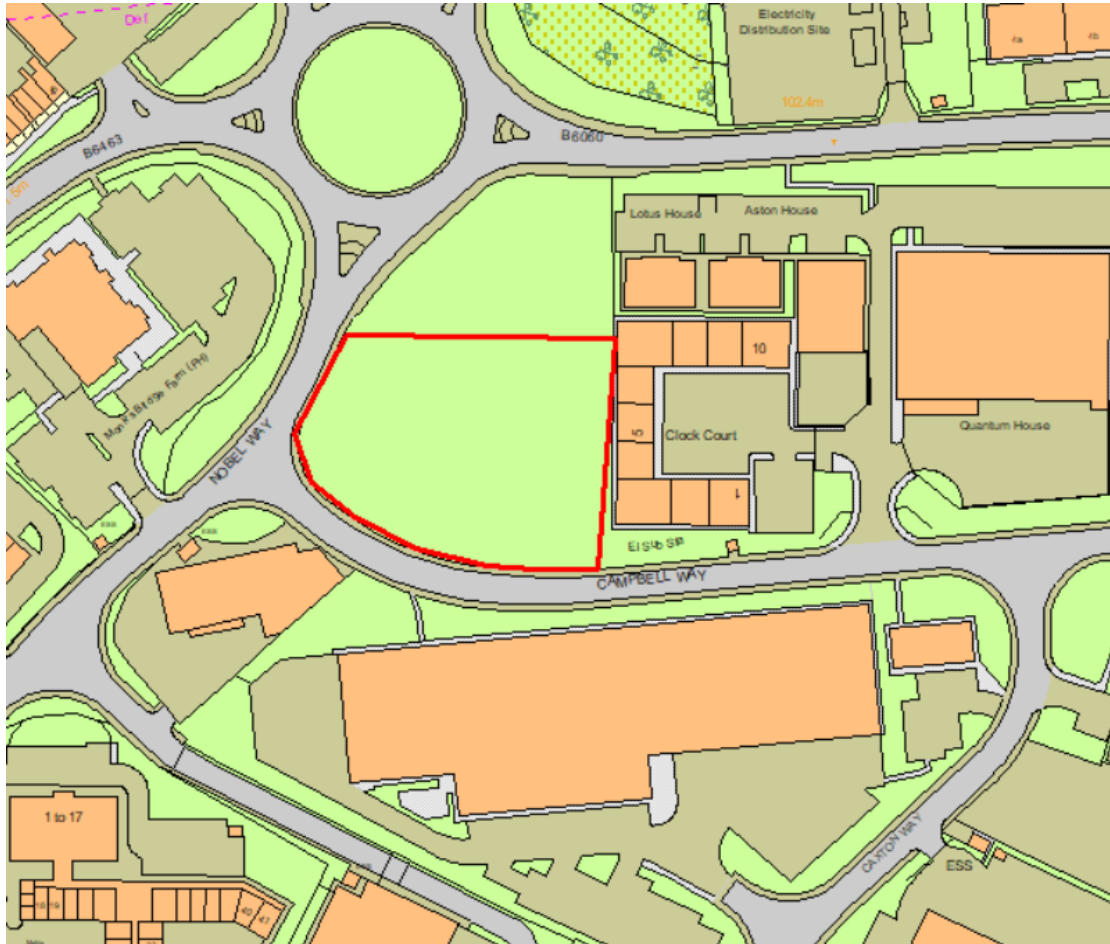
The proposed development lies within an area which is likely to contain features of geodiversity interest. In accordance with Policy CS 20 of the Adopted Core Strategy, RMBC strongly advises that any excavations into **natural ground, superficial deposits and** bedrock carried out in the course of development works should be examined by a competent geoscientist so that any features of geodiversity interest that may be present can be recorded. Sheffield Area Geology Trust can advise on geodiversity features that are expected to be present and their documentation and conservation email sageologytrust@gmail.com

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	RB2023/1517 (https://rotherham.planportal.co.uk/?id=RB2023/1517)
Proposal and Location	Erection of drive-thru restaurant (Use Class E/sui generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works. Land north of Campbell Way, Dinnington
Recommendation	Refuse

This application is being presented to Planning Board at the request of Local Councillors



Site Description & Location

The application site is an area of disused brownfield land location on the former Dinnington colliery site. The colliery site has been redeveloped over the past 20 years with this brownfield site being one of the last parcels of land awaiting redevelopment.

The site measures 0.42 ha and lies to the south-east of the B6060/B6463 roundabout and to the north of Campbell Way. The site contains some scrub and immature self set trees. There is also evidence of unauthorised fly tipping on the site.

Background

RB1999/1584 - Relocation of 300,000 cubic metres of colliery spoil to infill the rail cutting and place on main tip - GRANTED CONDITIONALLY

RB2002/1516 - Reclamation and restoration of former colliery site to a form suitable for future employment, amenity and recreation uses - GRANTED CONDITIONALLY

RB2002/1696 - Layout of roads and sewers to facilitate development of land for Class A2 (Financial and Professional Services), B1 - GRANTED CONDITIONALLY

RB2004/1346 - Outline application for a mixed use development to include A2 (Financial and professional), A3 (Food and Drink), B1 (Business), B2 (general industrial), B8 (Storage and distribution), C1 (Hotel), D1 (Non - residential institution) on phase 1 of the development - GRANTED CONDITIONALLY

Proposal

The applicant seeks full planning permission for a drive thru restaurant (Use Class E/sui generis) to be operated by McDonald's. The restaurant building will extend to 371 sq. m. The proposed McDonald's drive-thru restaurant building would extend to 5.84 m at its highest point. Two canopies will run part way along the side of the building, one at a height of 3.35 m and the other at a height of 5.24 m. The restaurant is designed in a modern flat roof design, typical of a modern McDonalds, with variety of timber style and grey cladding.

Both pedestrian and highway access is via Campbell Way, with parking for 52 cars, including 2 disabled bays and 3 electric charging bays.

The restaurant is expected to operate 24 hours a day, Monday to Sunday.

The applicant has submitted the following supporting statements:

Planning Statement

- The application site comprises undeveloped, underutilised land that is allocated for development. In terms of its contribution to the range of employment opportunities, the proposed development will bring a vacant site into active use and create 100 direct headcount jobs (70 full-time equivalent jobs) in the area. The development will also attract additional expenditure within the area and provide greater consumer choice within this area of Dinnington.
- In terms of other benefits of the scheme, McDonalds is a strong advocate of sustainability, with almost all restaurants powered by 100% renewable energy, and 80% of their packaging is recyclable. As a result, the proposal would deliver social, economic, and environmental benefits to the local area.

- Overall, the proposed development accords with the statutory development plan when considered as a whole and represents sustainable development as defined in the NPPF.

Commercial Market and Employment Land Position Statement

- The analysis in the preceding sections demonstrates that Rotherham has a generous supply of employment land, with an estimated 252.59 hectares of available land in 2022. This is enough to accommodate 16 years of demand at the level envisaged within the Local Plan Core Strategy, taking the Borough through to 2038 – 10 years beyond the end of the Plan period. Moreover, recent levels of take-up have been significantly lower than the Local Plan anticipated. Should future land needs continue at this level, Rotherham's supply of available land would not be exhausted until 2067.
- The application site consists of 0.47 hectares of land allocated for Industrial and Business Use. The delivery of a McDonald's restaurant on the site would therefore see the Borough's supply fall by 0.2% - from 252.59 hectares to 252.12 hectares. It is clear, therefore, that even following implementation of the proposed development, Rotherham would have a large supply of land to meet its economic strategy and development needs – particularly when viewed in the context of the identified Local Plan requirement of 235ha.
- In addition to the above, the site is situated in a secondary location within the context of the South Yorkshire property market and is subject to significant remediation costs. It has been marketed as an industrial/distribution development opportunity since 2015 but has failed to attract any significant interest. This is despite a comprehensive, multi-channel, marketing strategy being in place. Coupled with the viability challenges facing the site (a high-level development appraisal results in a negative developer profit) and the demand supply balance outlined above, there appears to be little harm in allowing the land to be developed for non-employment use.

Ecology Appraisal

- The habitats present within the zone of influence of the proposed restaurant are considered to be of local ecological value. Site clearance and construction of the restaurant would result in the loss of this habitat.
- The site is considered unlikely to support protected or notable species, however, trees and shrubs on the site are suitable for a common bird species to nest.
- In order to mitigate the ecological effects of the proposals, measures are required to prevent the disturbance of nesting birds during site

clearance. In addition, lighting for the development should be designed to avoid affecting the behaviour of nocturnal wildlife. However, it is not possible to mitigate the loss of habitats within the site's boundary.

- An invasive non-native species was recorded on the site. Measures are required to ensure this is not spread as a result of construction works.
- There are opportunities to enhance the ecological value of the site post-development, through creating a green roof, wildflower grassland, planting trees and shrubs which will benefit pollinators, birds and other urban wildlife

Biodiversity Net Gain

- Given the existing value of the habitats on site and the increase in developed area as a result of the proposals, the BNG calculation shows a significant loss of biodiversity, even with the implementation of on-site mitigation and compensation measures. Off-site mitigation would be required to achieve no net loss, or net gain.

Residual Impacts

- Based on current proposals, it is not possible to mitigate the loss of ecologically valuable habitats within the site's boundary. Therefore, the new restaurant would have a residual impact.

Compliance with Legislation and Policy

- Provided measures to prevent the disturbance of nesting birds and the spread of invasive non-native plants are implemented, the development would comply with relevant conservation legislation.
- Based on the current proposals, the new development would result in a net loss of biodiversity. Therefore, it would not comply with relevant planning policy, specifically Policy SP 33 of the Sites and Policies document of the Rotherham Local Plan (8, see Appendix 1). It would be possible to comply with this through the provision of adequate off-site compensation.

Transport Assessment

- Andrew Moseley Associates (AMA) has been commissioned by McDonald's Restaurants Ltd to prepare this Transport Assessment (TA) and an Interim Travel Plan (ITP) in support of a planning application for the development of a McDonald's restaurant with drive-thru at Campbell Way, Dinnington.
- The site has a good level of accessibility and access to sustainable modes of transport within a reasonable distance of the site. Travel by

non-car modes will be encouraged, and the proposals include pedestrian and cycle infrastructure within the site.

- Access to the site is proposed to be taken from Campbell Way via a new priority junction. The level of car and cycle parking is considered appropriate to meet the needs of the site.
- Overall, the proposed development is expected to generate up to 34 'new' two-way trips during the network peak hours, as well as up to 133 trips as 'existing journeys'.
- Capacity assessments of the Monks Bridge roundabout junction have been undertaken using Junctions 9 software. This demonstrates that in the 2028 future year scenario, where background growth and the proposed development have been considered, the junction is predicted to operate well within its practical capacity. The impact of the proposed development on the operation of this junction is negligible.
- It is concluded that the proposed development would not result in any severe impact on highway capacity or road safety and as such is acceptable in terms of NPPF considerations. There should therefore be no highway objections to the proposals.

Economic Statement

The proposed development will deliver a McDonald's Drive Thru restaurant. The application site has been identified – using McDonald's bespoke analytical model – as a location with strong commercial potential.

Sales at the site are expected to be driven principally by local residents (62%). As a result, the analytical model has had regard to the following criteria, with the site performing well against each:

- Local resident population within an 8-minute drive time;
- Anticipated volume of traffic flows; and
- Proximity to the existing network of McDonald's (roadside) restaurants;

Modelled sales estimates for the site have also been produced, drawing upon analysis of comparable McDonald's locations. The exercise has confirmed the commercial potential of the site.

In addition to the commercial opportunity presents, the site also offers the opportunity to generate the following economic impacts:

- Support 165 direct FTE construction jobs, as well as supporting a further 185 indirect FTE jobs during the construction phase;
- Generate an additional £8.6 million of Gross Value Added during construction;

- Create 100 direct headcount jobs (70 direct FTE jobs) on-site, once the development is completed and operational. This could support a further 40 indirect and induced jobs in the wider region;
- Generate an additional £2.3 million of GVA per annum through direct operational employment; and
- Deliver an uplift in business rates revenue in the order of £60,000 per annum – of which £30,000 would be retained locally.

Applicant's comments on Forward Planning Concerns

In summary the attached sets out the following in respect of addressing Local Plan Policy SP17:

- Clause 2: Compatibility with adjacent use: We consider the proposed use to be compatible with existing adjacent uses, as demonstrated by the presence of a public house, restaurant and petrol filling station in the immediately surrounding area. In our view the proposed development would help to complement the existing uses and enhance the appeal of the wider industrial estate to both existing and prospective occupiers.
- Clause 2a: Range and quality of employment opportunities: Whilst the operational jobs that could be created by the proposed development do not fall within the traditional (former B class) employment uses, the scheme seeks to deliver new jobs on a site that has remained vacant for some time and where no alternative proposals for its development are currently in place. We would also reiterate the potential that the scheme offers to enhance the appeal of the wider industrial estate.
- Clause 2b: Adequacy of remaining employment land provision: Notwithstanding the above, planning applications can comply with Policy SP17 by satisfying either Clause 2a or Clause 2b. It is our position that Clause 2b is engaged by virtue of the Council's generous supply of employment land relative to demand across the borough. It appears clear that levels of development activity have underperformed relative to the scale of demand assumed within the Local Plan. This has given rise to an oversupply of land across the borough, which has been compounded by the authority's decision to allocate 264.01 hectares within the Local Plan to meet a projected need for 235 hectares. Furthermore, as detailed within the attached, the borough currently has between 194 hectares and c.250 hectares of available land available (depending upon which document is used to estimate the figure). It is therefore considered that the loss of 0.47 hectares as a result of the proposed development would not in any way leave the borough with an inadequate provision of employment land or impact upon the ability to meet employment needs in the area.

- Clause 2b: Viability for employment land: Our client is not seeking planning permission on the grounds that the site is unviable for employment development and this is why a detailed, residual land value appraisal has not been submitted to the authority. It is our position that the policy test is satisfied as a result of the first part of Policy SP17 Clause 2b being engaged. However, the Commercial Market and Employment Land Position Statement submitted with the application does provide a high-level overview of some of the potential challenges that could impact on the application site's prospects of being viably developed to provide new business or industrial space.

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 Industrial and Business 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):

CS9 'Transforming Rotherham's Economy'
 CS10 'Improving Skills and Employment Opportunities'
 CS12 'Managing Change in Rotherham's Retail and Service Centres'
 CS14 'Accessible Places and Managing Demand for Travel'
 CS19 'Green Infrastructure'
 CS20 'Biodiversity and Geodiversity'
 CS21 'Landscape'
 CS25 'Dealing with Flood Risk'
 CS27 'Community Health and Safety'
 CS28 'Sustainable Design'
 CS30 'Low Carbon and Renewable Energy Generation'
 SP1 'Sites Allocated for Development'

SP16 'Land Identified for Industrial and Business Uses'
 SP17 'Other Uses within Business and Industrial and Business Areas'
 SP32 'Green Infrastructure and Landscape'
 SP33 'Conserving and Enhancing the Natural Environment'
 SP34 'Sites Protected for Nature Conservation'
 SP47 'Understanding and Managing Flood Risk and Drainage'
 SP52 'Pollution Control'
 SP54 'Contaminated and Unstable Land'
 SP55 'Design Principles'
 SP56 'Car Parking Layout'

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:

- Air Quality and Emissions
- Town Centre Uses and Developments
- Transport Assessments, Travel Plans and Parking Standards

Rotherham Emerging Supplementary Planning Documents:

- Biodiversity Net Gain
- Development Viability Supplementary Planning Document

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. A total of 150 people have commented, of which some 139 are in support and 11 have objected.

The objections submitted relate to the following:

- Safety issues and risk of accidents on Campbell Way due to blind bends and HGVs parking on the road. Installing double yellow lines is suggested to mitigate this.
- Nuisance caused by HGVs parking on Campbell Way and littering/soiling the area. A McDonalds is expected to exacerbate the HGV issues.
- Traffic and congestion issues that would be made worse by the addition of a McDonalds drive-thru.
- Decreased house prices for nearby residents

- Negative health impacts and exacerbating obesity/poor diets
- Increased litter in the area
- Noise disturbances to residents
- Antisocial behaviour problems often associated with McDonald's
- Lack of infrastructure improvements to deal with increased traffic

The letters in support in the vast majority of cases simply state that they support the scheme. Those submissions that go into more detail support the scheme on the basis of:

- Provide a significant number of jobs to the local community.
- Offer an improved choice of food within the local area, especially for families on a lower budget.

The applicant and a supporter have requested the right to speak at Planning Board.

Consultations

RMBC – Transportation Infrastructure Service: No objections to amended plans, subject to relevant conditions

RMBC – Ecology: No objections subject to the off site Biodiversity improvements to compensate for the loss of on site ecology.

RMBC – Land Contamination: No objections subject to relevant conditions.

RMBC – Environmental Health: No objections subject to relevant conditions

Environment Agency: No objection subject to the land contamination issues on site being considered.

SY Police: Recommends a number of informatives to help to minimise potential criminal and anti social behaviour.

RMBC – Drainage: No objections subject to relevant conditions

RMBC -Public Health: Raises concerns about the high concentration of hot food takeaways within the Dinnington area.

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 Loss of Employment Land
- Principle of Development Main Town Centre Use in an Out of Town Location
- Design matters (including scale, layout etc.)
- Highway matters
- Air Quality
- General Amenity
- Land Contamination
- Ecology and BNG

Principle of Development Loss of Employment Land

The application site is allocated within the Local Plan as an allocated Employment site (E15) and as such SP16 'Land Identified for Industrial and Business Use' will be applicable.

Policy SP16 states: "Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposals satisfy the requirements of Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy.

Other uses will be considered on their merits in line with Policy SP17 'Other Uses Within Business, and Industrial and Business Areas'."

The introduction of a drive-thru restaurant would be at odds with the requirements of policy SP16. Accordingly, the introduction of the drive-thru coffee shop would be assessed against the requirements of SP17.

Policy SP17 states: "Within areas allocated for business, or industrial and business use on the Policies Map, proposals for alternative uses other than those identified as not acceptable in Policy SP15 'Land Identified for Business

Use' will be considered positively having regard to other relevant planning policies and whether the following criteria are satisfied:

1. It can be demonstrated that the continued use of the site for business or industrial purposes would cause unacceptable planning problems which cannot be adequately mitigated, and alternative proposals are compatible with adjacent existing and proposed land uses, and the impact on amenity can be appropriately mitigated; **or**
2. proposals are compatible with adjacent existing and proposed land uses and any impact on amenity can be appropriately mitigated; and **either**
 - a. proposals positively contribute to the range and quality of employment opportunities in the borough; **or**
 - b. the site is no longer required for employment use on the basis that adequate provision of employment land would remain within the borough to meet its economic strategy and development needs (based upon an assessment of existing land supply including amount, type, quality and use of land, and current and future demand), or, the site is no longer viable for employment use as demonstrated by:
 - i. having been marketed for at least 12 months, including both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and
 - ii. opportunities to re-let premises having been fully explored; and
 - iii. the premises / site having been marketed for sale or to let (as appropriate), at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals); and
 - iv. the terms and conditions set out in the lease being reasonable and attractive to potential businesses, and that no reasonable offer has been refused.”

Further to the above, Policy CS9 'Transforming Rotherham's Economy' indicates allocating employment land is to support employment growth and protect viable employment sites and support the regeneration and intensification of previously developed land.

The applicant therefore needs to demonstrate how the proposed development would meet the criteria set out in Policy SP17. Significant weight should be given to the retention of the site for Employment purposes given that it is allocated Employment Land.

In this instance the applicant has provided information to justify the introduction of a drive-thru restaurant on the industrial and business site in respect of criteria 2 in that

- the proposals positively contribute to the range and quality of employment opportunities in the borough.
- The site is no longer required for employment purposes as adequate provision of employment land would remain within the borough
- The site have been marketed for over 12 months at a reasonable price.

These issue will be addressed below:

The proposals positively contribute to the range and quality of employment opportunities in the borough.

The applicant has indicated that the proposed drive-thru restaurant will provide a mix of employment opportunities including full and part time employment. A total of 70 full time equivalent jobs will be provided, as well as jobs during the construction process.

A McDonald's restaurant employment opportunity generally includes crew members, shift leader, customer experience leader, customer care assistant, maintenance and a manager. The quality of employment opportunities can vary depending on wages, benefits, job security, and opportunities for career advancement. There are no minimum qualifications required to work for the company. Overall, the jobs offer in a typical restaurant pays between £8.50 – £14 per hour depending on the role, experience and location. The company offers apprenticeships for crew members and customer care to work towards NVQ2 standards however it is not a part of the job requirement.

The supporting text of Policy CS9 (para.5.4.2) indicates there is a requirement to improve people's skills to enable them to benefit from new jobs, improve in research and development, and target important sectors for the future. Policy CS10 monitoring target sets out the Council's aim to increase the minimum level of qualifications of the local workforce to at least NVQ2 or above (Based on December 2021 census data, the borough's current level is NVQ2+ = 72.9%, NVQ3+ = 54.1%%, NVQ4+ = 31.9%).

The aim of the allocation of Employment Land is to create employment opportunities within the allocated sector on those sites (i.e. Industrial and Business opportunities within Use Classes B1 (now Use Class E(g) B2 and B8). Whilst it is not contended that the proposed development would generate employment opportunities, these are a different range and quality opportunity to those which are aimed to be delivered on a site allocated for Employment Purposes. Where alternative uses are proposed on Employment Sites which do not offer comparable employment there is therefore an impact on the opportunity to fill such positions within the Borough. In effect, allowing this site to deliver employment opportunities which should be directed towards the town centre would directly impact on the ability to deliver jobs within the industrial and business sector.

With the consideration of the site's employment development site allocation and the business model of the proposed development, by virtue of its range

and quality of employment opportunities, it has little positive contribution to the borough and would not meet criteria 2(a) of Policy SP17.

The site is no longer required for employment purposes as adequate provision of employment land would remain within the borough

Core Strategy Policy CS9 identifies the need to plan for 235 hectares of employment land over the plan period and the Sites & Policies Document Policy SP1 allocates 263.89 hectares for employment development to meet this need. Allocated sites provide a mix of new sites for development and sites which are subject to planning permission but where development remains to be started or completed (Sites & Policies Document para.4.14). The allocation is to support employment growth in sustainable locations and to meet modern economic requirements (Policy CS9 point 1). This growth was distributed across the settlement groupings, with an indicative target of 38 hectares of land to meet the need of the Dinnington, Anston and Laughton Common settlement grouping. Subsequently through the Sites and Policies document allocated 28.15 hectares of land consisting of 3 sites: E13, E14 and E15.

Information on employment land completions and supply is set out in the Rotherham Employment Land Position Statement (ELPS) March 2023. In terms of the overall quantum of employment land, more provision was made in the Sites and Policies document than was indicated in the Core Strategy. The ELPS demonstrates that 68 hectares of land has been developed (among three sites within the related settlement group, approximately 16.15 hectares have been developed). And 194 hectares of employment land remains at the main settlements/areas identified for growth and development in Policy CS1 of the Core Strategy.

The available employment land (as identified in Policy SP1 Table 5) without planning permission granted is approximately 133 hectares, contrary to 252.59 hectares as suggested in the applicant's submitted Employment Land Position Statement. It is also important to note that the remaining employment land within the plan period includes some that require significant remediation and/or are subject to restricted access.

The Council is progressing a Core Strategy Partial Update which will look at housing and employment needs over a plan period of 2025 – 2040. Further evidence-based work will be required to support this, including an updated employment land review. Whilst there remain a number of years within the current plan period within which employment land may be developed, existing allocated sites may also be considered as part of meeting future needs within the borough. Without a detailed employment land review, there is no valid evidence to indicate the site is no longer required for employment use on the basis that the current provision of employment land is adequate within the borough. Furthermore, this is a relatively small site which could be suitable for a range of small to medium employment uses and its loss could impact on provision of such facilities within the Borough. There is insufficient evidence to suggest that there is an adequate supply of such sites.

Furthermore, the proposed development only utilises part of the allocated site, the overall site area is 0.7 hectares while the proposed site area is 0.47 hectares. Without a comprehensive proposal for the overall site, I consider the proposed development would potentially render the remaining site less attractive for employment use, resulting in further loss of the allocated employment land.

On this basis, it is not considered that the proposal will meet with point 2(b) of Local Plan Policy SP17.

Site viability for employment use

The applicant has stated that they are not considering in detail the viability of the site but they have provided a high level assessment on this basis. The submitted statement indicates the site has been marketed since 2015 but did not receive any significant interest and suggests the site is subject to significant remediation costs. However, there has been no actual evidence provided to support the statement and the asking price.

The Council's RiDO is promoting remaining part of the site (approximately 0.28 ha) with a description stating 'The site would comfortably fit 30,000sq ft of building footprint space on the site, and would be ideal for many purposes. The site has been remediated and all utilities and high-speed broadband connections, large substation and other services are conveniently placed just outside the perimeter of the site ready for a swift development. The owners are open to an outright sale of the freehold site, or long term lease.' Ground investigation reports (including Phase III Investigation and Remediation Strategy) have been submitted which confirm the risk from contamination identified is low subject to basic mitigation measures being put in place (Planning Statement para.6.21). The Council's contamination officer has reviewed the documents and concluded that 'the application site forms a small parcel of land of a much wider colliery site, which underwent reclamation works in the early 2000s. The site has already been remediated as part of the Dinnington Colliery restoration.'

SPD9 (Development Viability Supplementary Planning Document) is relevant in considering development viability and in line with government guidance the unit of measurement must be metric in appraisals. The submitted statement (para.5.5) suggests the overall employment site (0.7ha) was marketed on the basis of 'quoting offers in excess of £1,000,000 (this is equivalent to £1,428,571/hectare) (approximately £558,660/acre)'. Based on the HM Treasury 'The Green Book: Appraisal and Evaluation in Central Government' and the Government's guidance on land value estimates for policy appraisal 2019, the industrial land value in Rotherham is estimated at £550,000/hectare. So the marketed price is over twice the realistic land value. Therefore, the Council is of the opinion that the land has not been marketed at an appropriate price in accordance with Policy SP17.

Principle of Development Main Town Centre Use in an Out of Town Location

As part of the submission the applicant has provided a sequential Test for the induction of the drive thru within this out-of-centre location, which is defined by National Planning Guidance as a town centre use.

A number of sites have been considered with the only possible suitable town centre site for the drive thru use being Land between Littlefield Road and Constable Lane. The applicant has worked extensively with the Council since 2022 to investigate the development on this site including a detailed pre application submission. The site in question is part owned by the Council and the Dinnington Town Council and has not been made available for sale, despite its retail allocation. Furthermore, the site contains a small woodland area which would need to be felled, to the detriment of local ecology.

Therefore, the scope of the sequential test has been assessed and is considered acceptable. The sequential approach on available sites is also considered to be acceptable and as such it is agreed that there are no sequentially preferable sites for the proposed drive-thru restaurant. Accordingly, the proposed use would comply with policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and the requirements of the NPPF.

Design considerations

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."

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 development has been designed to reflect the McDonalds corporate architectural design, with a mixture of cladding in grey and a timber effect style. A Green sedum roof design is also proposed, in order to mitigate the ecological impact of the scheme along with boundary landscaping. The resulting development will be a typical modern drive thru restaurant, in keeping with the modern industrial estate surroundings and simply in design terms it would be an acceptable development on a prominent point close to the roundabout.

Overall, the scale of the restaurant is considered to be sympathetic and from a design perspective the proposed buildings would result in a significant enhancement to the character and appearance of the locality and would not adversely affect the landscape. Therefore, the proposal, from a design perspective would comply with the national and local planning policies referred to above.

Highways

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."

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 110 and 112 of the NPPF.

SP56 'Car Parking Layout' states that layouts should be designed to reduce the visual impact of parking on the street-scene; discourage the obstruction of

footways and ensure in-curtilage parking does not result in streets dominated by parking platforms to the front of properties.

A Transport Statement has been provided in support of the application, the analysis demonstrates that although the development of a McDonald's drive through at this location will marginally increase the delay drivers experience at the roundabout, (the 2028 Do Minimum, represents the proposed development) queuing remains almost the same as at present, and such, the Council agrees with the findings of the assessment, in that it has demonstrated that the impact of the development will be minor and therefore no mitigation is required.

With regard to the application site, there are 52no car parking spaces proposed of which 3no are accessible spaces. The applicant's agent has also demonstrated that the swept path of the delivery vehicle that is expected to visit the site is acceptable, though it is acknowledged, that the delivery vehicle will require some of the proposed parking bays to be vacant in order to access the delivery point. In this regard, the applicant intends to suspend these bays when a delivery is expected. A car parking management plan should therefore be included as a condition to any approvals granted.

The site is in a sustainable location with good access to public transport and non-car modes of transport.

The Council's Transportation Infrastructure Service have indicated they have no objection to the granting of planning permission in a highway context subject to conditions.

Therefore, the proposed development would not have an unacceptable impact on highway safety or a severe impact on the highway network. Accordingly, the proposal would be in compliance with the requirements of the national and local policies referred to above.

Air Quality

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.

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'.

The SPD states in respect of commercial / retail development that 20% of parking spaces to be provided with an electric vehicle charging point; this may be phased with 5% initial provision and the remainder at an agreed trigger level.

The current application proposes 52 spaces in total, 4 of which will be provided with EV Charging points, as such only 8% of the parking spaces will be provided with charging points. It is noted that the majority of visitors will be doing short stay trips to pick up food or to eat in the restaurant for less than 1 hour. The applicant has also indicated that the electricity connection cannot currently accommodate additional EV points.

With the above circumstances in mind the under provision of EV points is considered acceptable subject to a condition to revisit the issue. A condition has also been attached requiring the number of EV charging point to be reconsidered 3 years after the restaurant opens.

General Amenity

Paragraph 135(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

In respect of amenity, it is considered that given the size, scale, form, design and siting of the drive thru, together with the distance to neighbouring properties, there would be no amenity impact in respect of the built form of the development.

Being a drive thru restaurant the main impact upon the surrounding industrial estate a local community will be from litter and the potential for anti social behaviour. Given the distance from residential properties it is not considered that the McDonalds use would give rise to unacceptable disturbance from anti-social behaviour. The use is proposed to operate 24 hours and therefore will have natural surveillance from staff at the premises. This will further reduce the use of the car park for anti social behaviour.

Furthermore, McDonalds have indicated that a minimum of three daily litter patrols will be undertaken. A number of bins are proposed on site. A condition has therefore been attached requiring a litter management plan to be submitted, approved and implemented during the lifetime of the development.

Finally, a construction environmental management plan has been provided which indicates construction working hours of Monday to Saturday 07:30 to 18:00 and Sunday 07:30 to 12:00. These working hours are acceptable and

subject to appropriate the management plan being conditioned the construction phase will not give rise to any neighbouring concerns.

Land Contamination

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

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

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

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

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any water course or ground water;

- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”

Historically, the application site was part of the much larger Dinnington Colliery Site for almost 100 years, with various process buildings being present on site and adjacent sites. This represents the most significant contamination risk to the site. It is for this reason intrusive site investigations were undertaken in September 2022 and June 2023 to determine both the geotechnical and geo-environmental ground conditions across the site to assess if any significant soil and groundwater contamination associated with the past historical uses of the site could impact on the proposed redevelopment of the site.

Despite the large volumes of made ground at the site, and the site history, the general contamination impact appears to be relatively low, with respect to heavy metals, petroleum hydrocarbons, VOCs and asbestos when considering the end use for a commercial development. The only notable exception is for the PAH impacted deep soils and deep groundwater. However, the risk to the end users of the site is not considered significant in terms of the contamination identified. Additionally, the application site forms a small parcel of land of a much wider colliery site, which underwent reclamation works in the early 2000's. It is considered there maybe low-level groundwater contamination associated with the wider area, and the contamination on site may reflect this.

Therefore some basic mitigation measures will be required to be put in place to ensure the application site is suitable for its proposed commercial end use.

Public Health

SP 22 “Hot Food Takeaways” states that: “Hot food takeaways will be permitted within town, district and local centres (but outside of Primary and Secondary Shopping Frontages) where they:

- a. would not result in more than 10% of the ground floor units within a defined town or district centre being hot food takeaways; or
- b. would not result in more than 25% of the ground floor units within a defined local centre being hot food takeaways; and
- c. would not result in more than two A5 units being located adjacent to each other; and
- d. will not negatively impact upon the amenity of surrounding businesses or residents.

Hot food takeaways (including A3 restaurants with takeaway facilities) outside of town, district and local centres will be required to satisfy Core Strategy

Policy CS 12 'Managing Change in Rotherham's Retail and Service Centres' and will not be permitted where they would result in more than two A5 units being located adjacent to each other. Proposals for hot-food takeaways will be considered in light of their impact on amenity and any mitigating measures. This will include taking account of highway safety and parking, hours of operation, control of odours and cooking smells, litter and waste disposal, and crime and anti-social behaviour."

The Council's adopted SPD – Healthy and Equal Communities, states at Health and Equalities guidance 2 that:

"Planning permission will not be granted for any new hot food takeaway (Use Class A5) or hybrid uses incorporating A5 uses, where proposals are located within 800 metres of a primary school, secondary school, special school or tertiary college. The exception to this is where proposals also fall within a town, district or local centre (as defined in the Local Plan) and satisfy relevant planning policies."

Dinnington Neighbourhood Plan Policy STC 4: Hot Food Takeaways states that:

"Hot food takeaways (including A3 restaurants with takeaway facilities) will not be permitted where they are within 800 metres walking distance of a primary school, secondary school or college (measured from any pedestrian access to the school or college), except where they are within Dinnington Town Centre as defined in the Rotherham Local Plan and satisfy the provisions of Policy SP22 Hot Food Takeaways in the Rotherham Sites and Policies Document or any subsequent replacement policy."

In this instance the drive thru restaurant is set over 800m away from the nearest school, with the nearest school, Newman School set over 1km away (as the crow flies). As such the restaurant complies with both Rotherham and Dinnington Town Councils' policies on hot food takeaways near school.

The Council's Public Health Team has noted that Dinnington has a relatively high density of takeaways, 176.5 per 100,00 residents which is above the Rotherham average (101.2). The prevalence of year 6 Overweight (including obesity) is 41.1% in Dinnington, above Rotherham at 40.4% and England at 36.6%. Dinnington is also in the upper quintile (top 20%) in England for adult (over 16's) obesity.

Whilst Dinnington does contain an above average number of takeaways, the Council does not have any policies or guidance which restricts takeaways per say, if an area has an above average number of takeaways and an obesity problem. These issues can only be considered where the takeaway is close to a school and does not comply with the policies referred to above. On this basis, given that the use is not within close proximity to a school, it is considered to comply with the above mentioned policies.

Ecology and BNG

Paragraph 180 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

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

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

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

Bats

The ecology report states that the site requires wildlife friendly lighting to minimise effects on nocturnal bats. The site will require a low-level lighting scheme prepared by a lighting engineer to ensure there is no light spill onto the boundary vegetation during both the construction phase of the development and when in-use. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/23: Bats and Artificial Lighting At Night' Institute of Lighting Professionals, 2023.

Breeding Birds

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

The report outlines that the development has a -75.48% loss of habitat units and is currently not meeting the requirements of Policy SP 33 to demonstrate no net loss. These units may be provided either on-site through habitat creation and enhancement; off-site on land under a developers ownership or as a last resort through a monetary contribution to the LPA or a third party habitat bank.

The applicant has agreed to mitigate for this via a payment to the local authority for the sum of £63,000 and this could be provided via S106.

Conclusion

It is considered that, the introduction of the drive-thru restaurant on this allocated site employment site would result in the loss of employment land and would reduce the potential for future development of remaining employment land to the north of the site, with no significant benefit or adequate justification. The proposed development is contrary to SP16, SP17 (Other Uses within Business and Industrial and Business Areas), Policies CS1 and CS9.

Reasons

01

The proposal would result in the loss of allocated Employment Land without adequate justification as set out in Policy SP17. The proposed development would also reduce the potential for future development of the remaining employment land to the north of the site, with no significant benefit. The proposal would therefore not meet the site's allocated purpose as set out in Policies CS1 and CS9 of the Core Strategy, Policies SP1, SP16 and SP17 of the Sites and Policies Document.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant entered into pre application discussions with the Local Planning Authority these identified that it is not possible to support a scheme of this nature nor would any amendments make it acceptable. The application was submitted on the basis of these discussions and it was not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.