

**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 31 October 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.**

<b>Application Number</b>	<b>RB2024/0513</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/0513">https://rotherham.planportal.co.uk/?id=RB2024/0513</a>
<b>Proposal and Location</b>	Erection of 6 dwellinghouses and associate works, land adjacent 43 Clement Street, Kimberworth, Rotherham. S61 2JT
<b>Recommendation</b>	<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"><li>• A commuted sum of £13 200 to provide compensatory offsite biodiversity provision to bring the development site up to no net loss in biodiversity terms.</li></ul> <p>B. Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



## **Site Description & Location**

The application site sits at the end of Clement Street which is a narrow street with residential properties on either side. The road is a cul-de-sac but there is no turning facility at the end of the street, as the road finishes and the application site begins.

The application site is rectangular in plan form and slopes steeply south-easterly. The site comprises of a previously cleared woodland. There are existing trees along the western boundary of the site. There are also remnants of fencing and small building footprints from the site's previous use as an allotment.

Residential properties are immediately located to the north-west on Gratton Street, north-east on Clement Street and south-east on Bennett Street. There is an area of grazed pasture field to the south-west of the site.

The wider area comprises further residential housing and greenspace, with the M1 motorway approximately 1km to the south-west of the site.

## **Background**

The site had previously had planning permission in 2018 under RB2018/1636 (Outline application for the erection of 8 No. dwellinghouses with all matters reserved).

The site was subject to a Tree Preservation Order (TPO NO. 1 2019).

However, the trees were removed prior to the determination of an earlier 2018 planning application. A subsequent Section 106 Agreement required a contribution to secure replacement planting off site.

## **CIL**

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

## **Proposal**

The application is seeking full planning permission for the erection of 6 no. dwellings.

The applicant has provided site layout plans, elevations and cross-sectional drawing. The site layout plan shows vehicular access being derived from the end of Clement Street with the road continuing into the site with 3no. pairs of semi-detached dwellings in blocks around the site. A turning head lies at the eastern side of the site.

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

### Ecological Impact Assessment

The survey was undertaken by Liz Ecology to record habitats and reviews the potential for the site to contain, or be used by, species protected under either UK or European nature conservation legislation.

The report concludes the following:

- The current proposals for the site include clearance of the existing scrub and tree stumps, and construction of six residential properties with associated gardens, garages and driveways.
- The site is comprised primarily of scattered scrub, dense scrub and scattered trees.
- The site was previously subject to a planning application (RB 2018/1636), which was granted in 2019 for eight residential properties on the site. Prior to this application the site was comprised of semi-natural woodland with frequent scrub understorey and tall ruderal vegetation. The trees were cleared under a S106 agreement with Rotherham Council which specified a charge of £320 per tree, resulting in a total payment of £11840 (£320 x 37) to Rotherham Council for tree planting within 500 metres of the existing site.
- The important ecological features, or those brought forward due to legal protection, considered in detail within this assessment are: the assemblage of birds, the assemblage of bats both foraging and commuting.
- Actions have been given for designated sites, nesting birds, foraging and commuting bats and hedgehog.
- The development of the site presents an opportunity to deliver biodiversity enhancements such as new bat roosting opportunities and nesting provision for birds.

### Biodiversity Survey and Report

The survey was undertaken by Liz Ecology to record habitats and reviews the potential for the site to contain, or be used by, species protected under either UK or European nature conservation legislation.

The report concludes the following:

- The purpose of this report is to identify the net percentage change in biodiversity on-site post development and to aim for a minimum of a 10% Biodiversity Net Gain (BNG), in line with the Rotherham Supplementary Planning Document: Biodiversity Net Gain +10%.
- The current National Planning Policy Framework (NPPF) sets out that planning should provide biodiversity net gains where possible. Whilst the mandatory biodiversity net gain for small sites set out in the Environment Act will not come into force until 2nd April 2024, the

emerging local plan for Rotherham Metropolitan Borough Council includes the requirement for Biodiversity Net Gain in the supplementary planning document.

- The development site is approximately 1600m<sup>2</sup> and consists of scattered scrub, dense scrub and urban trees.
- The baseline habitat units are 1,6220 and hedgerow units are 0.00.
- Based on the current proposals, it is predicted that the scheme will have a net loss of 26.71%, however, previously the site was cleared and a financial contribution was made through a S106 agreement to plant replacement trees. It is predicted that through the management of the trees which will be retained on site, and the creation of good quality gardens that there will be 1.19 habitat units provided following completion of the development. This results in a net unit change of - 0.44 units.
- The development will also be incorporating enhancements for birds, bats and hedgehogs within the development.

In this case the application was submitted prior to 1<sup>st</sup> April 2024 and so does not formally require BNG +10% in his instance.

### Tree Survey

The survey was undertaken by AWA Tree Consultants and was carried out in accordance with BS5837:2012 to provide a detailed, independent, arboricultural advice on the trees present.

- The tree survey revealed 9 items of woody vegetation, comprised of 7 individual trees and 2 tree groups.
- Of the surveyed trees: 3 trees are retention category 'B' and 6 trees and tree groups are retention category 'C'.
- Species diversity at the site is low with Sycamore being the dominant species. There is also the occasional Cherry, Pine, and Cypress individual.
- The site's highest value trees are Sycamore T3, T6 and T7. All three are tall, early-mature trees which are prominent within the site and the surrounding area. Although the scrubby undergrowth at the site prevented detailed inspections, the trees appeared in good condition with good vigour within the crown. T6 and T7 are both heavily ivy covered which further prevented detailed inspection. All three trees are retention category 'B'.
- Cherry T1 is a large mature Cherry, however it has got defects which limit it's useful life expectancy. T1 has a slight lean south east over the houses adjacent to the site, and an unbalanced crown with snapped and hanging branches. Although it provides moderate amenity to the site and surrounding area, it is only in fair condition and as such is a retention category 'C' tree.
- Pine T4 is a tall semi mature tree situated to the south west next to Sycamore T3. There is low vigour in the eastern crown of T4, likely caused by shading out due to the size and stature of adjacent Sycamore T3. T4 is also slightly leaning with a slightly unbalanced

crown. These defects are likely to limit its long term prospects, and as such it is a retention category 'C' tree

The report concludes that the higher value retention category 'B' trees and groups should be retained, where possible, and incorporated into any new development design. If required the lower value retention category 'C' trees and groups could be removed and replacement planting would mitigate their losses.

The layout shows that all the surveyed trees would be retained, with the exception of T5.

### Site Investigation Report

The survey was undertaken by Eastwood Consultants and recommends that an intrusive ground investigation should be undertaken to confirm the ground conditions and allow sampling of the existing soils.

- A phase 1 report has been prepared by others previously. Historically, the site has not undergone any significant previous development.
- The site is not at risk from shallow mining.
- No radon or gas protective measures are considered to be required.
- Groundwater was not encountered in any of the trial pits.
- The natural ground on site is considered suitable for re-use within the development.

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

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

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

Local Plan policy(s):

CS14 'Accessible Places and Managing Demand for Travel'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscape'  
CS25 'Dealing with Flood Risk'  
CS28 'Sustainable Design'  
CS33 'Presumption in Favour of Sustainable Development'  
SP11 'Development in Residential Areas'  
SP32 'Green Infrastructure and Landscape'  
SP33 'Conserving and Enhancing the Natural Environment'  
SP55 'Design Principles'  
SP56 'Car Parking Layout'

## **Other Material Considerations**

Council's Car Parking Standards.

South Yorkshire Residential Design Guide.

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 came into effect in December 2023. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

## **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. A total of 8 individual representations have been received and a petition of 19 signatures. The issues raised are summarised below:

- Clement Street is a narrow street with cars parked along both sides.
- During construction this will be particularly acute.
- Clement Street is a quiet street which children currently play on. The development of 6 additional houses will make this much busier.
- An extra piece of land has been included on this application which was not previously included on the outline application. This will take up space that is currently used for existing street parking.
- Concern that this could form an access onto the neighbouring site.
- Loss of green space and destructive for wildlife.
- Additional strain on local amenities and services. This could lead to overcrowding and reduced accessibility for existing residents.
- Construction noise throughout the construction phase would be detrimental to the wellbeing of nearby residents.
- The clearance of the land previously caused a lot of disruption and this development will magnify these issues.
- Concern that root systems of adjacent trees may be damaged as well as existing retaining wall structure.
- Insufficient notification of application and a lack of publicity.

- The proposal will impact on our privacy and will result in our property to the south (Bennett Street) being overlooked.

In addition 4 Rights to Speak have been received, including the applicant.

## **Consultations**

### RMBC

Transportation Infrastructure Service – no objections subject to conditions.

Tree Service Manager – No objections subject to conditions

Land Contamination – no objections subject to conditions.

Ecology – no objections subject to conditions and an offsite contribution to overcome biodiversity no net loss.

### External

Yorkshire Water – no objections subject to conditions.

South Yorkshire Police Architectural Liaison Officer – no objection subject to the scheme being built out in accordance with Secured by Design principles.

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- The principle of development
- Layout and design issues
- Impact on amenity
- Highway issues
- Trees
- Ecology

- Drainage
- Land contamination

### Principle of development

The site is allocated for Residential purposes within the Council's adopted Local Plan, but is not a site identified in policy SP1 'Sites Allocated for Development'.

Policy SP11 'Development in Residential Areas' states areas identified for residential shall be primarily retained for residential uses and all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies. Accordingly, given the residential allocation of the site, the proposal would be compatible with the land use of the site and the adjoining residential uses.

The NPPF at paragraph 131 states: *"Good design 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."*

It is noted that the current application is a full application rather than a reserved matters. However, as mentioned above there has previously been an outline approval from 2018. This has now lapsed but the land use allocation in the Local Plan remains the same. The site is allocated for residential use and therefore the proposed residential development is acceptable in principle. The remainder of the report will assess whether there is any reason which outweighs the presumption in favour of sustainable development.

### Layout and design issues

Local Plan Policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

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 planning permission for development of poor design.”*

Paragraph 135 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

The NPPF at paragraph 131 states, in part, that: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.”* Paragraph 139 adds, in part, that: *“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.”*

With regard to the proposed site layout, this shows a development that is of a lower density than the 2018 outline application. It is considered that the site can adequately accommodate the proposed number of dwellings, with acceptable private amenity spaces, appropriate spacing standards and the required number of parking spaces per dwelling.

Several of the objections note that the site area has increased from the 2018 outline application. This is a full application, rather than a reserved matters application, and so the applicant was not restricted to the same red edge boundary on the earlier approval. All matters, including principle of development, are being considered. The additional site area available does allow for the width of plot 1 to be increased and allows for a driveway to come off the existing adopted highway.

The surrounding area consists of a variety of housetypes and materials of construction. The proposed layout would represent an acceptable form of development which would not be at odds with the character and appearance of the wider area and would not result in the overdevelopment of the site. Furthermore, each of the properties would be of a suitable size which accords with the internal spacing standards outlined in the National Standards, and with an appropriate external private rear garden area which complies with the requirements detailed in the South Yorkshire Residential Design Guide.

The scale of the proposal is of a two storey development which is considered appropriate in this area which is generally characterised by medium to high density residential two storey properties.

Taking into account all of the above, the proposal has sufficient regard to the requirements of local and national policies and guidance and it is considered that the layout, design and visual appearance of the site complies with the

NPPF, NPPG and Local Plan policies CS28 'Sustainable Design' and SP55 'Design Principles'.

### Impact on amenity

Sites and Policies Document Policy SP55 Design Principles states, amongst other things: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

(g) the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."

The supporting text to the Policy states: "Development proposals will be required to demonstrate that they have appropriately taken account of and mitigated against any site constraints which may have a detrimental impact upon amenity, including privacy, direct sunlight or daylight. The design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. The Building Research Establishment (BRE) provides good practice guidance in "Site Layout Planning for Daylight and Sunlight: a guide to good practice" (BRE, 2011.)"

Paragraph 135 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

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.

In respect of amenity there are two main elements:

- i) the impact of the construction phase on the 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, it is noted that a number of objectors have raised this as an issue, particularly given the narrow nature of Clement Street. Those comments have been considered and while some noise, dust and disturbance is to be expected with development works of this type, it is important to limit the impact of the works on nearby residents. Good construction practice and appropriate consideration of working hours should

ensure that this occurs, and whilst this scheme is limited in scale, due to the constrained form of access it is considered reasonable to impose a condition requiring a Construction Management Plan in this instance.

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

With regard to the impact on the occupants of existing properties that surround the site, it is noted that spacing distances between rear elevations of plots 1 to 4 on the amended plan to the rear boundary with properties on Bennett Street would be in excess of the required 10 metres and there would be approximately 21 metres to the rear elevations of properties on Bennett Street at its closest point which satisfies the requirements of the South Yorkshire Residential Design Guide in relation to privacy.

It is noted that land levels drop significantly from north to south which has the potential to exacerbate the scale of development. The applicant has submitted a cross section to demonstrate that the new plots (and in particular plots 1 to 4 would have an acceptable relationship with these existing properties. In addition, this is further supported by a cross section plan which shows a 25 degree vertical sight line from the ground floor window of No. 80 Bennet Street which adequately clears the height of the proposed new dwellings.

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

Further to the above it is noted that the spacing distances between the front of plot 3 and the side of plot 5 would be 12 metres which is the required distance outlined in the South Yorkshire Residential Design Guide between principal and side elevations. Likewise a 12m distance can be achieved between plot 6 and no. 43 Clement Street as well as existing properties on Grattan Street. Accordingly, there would be no significant overlooking or privacy issues between the proposed properties and there would be no detrimental overshadowing of habitable room windows or proposed private rear amenity spaces.

Therefore, from the amended plans submitted it is considered that the scheme can be accommodated on the site and would satisfy the required spacing distances to ensure that there is minimal impact on the amenity of neighbouring residents. Accordingly, from the information outlined above it is considered that the proposal would comply with paragraph 135(f) of the NPPF, Local Plan policies and the South Yorkshire Residential Design Guide.

## Highway issues

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. Policy CS14 is supported by paragraphs 108 and 110 of the NPPF.

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

The proposed development site is located close to shops and public services and is close to bus corridors with access to Meadowhall Interchange and Sheffield and Rotherham centres.

SP56 'Car Parking Layout' states layouts must 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 significant number of the comments raised by objectors are on highway issues with particular emphasis on the restricted width of Clement Street. The comments are taken into account, though it is noted that the proposed development would be an enhancement to the existing situation as it proposes a suitable manoeuvring area for vehicles to turn around which does not currently exist. This is considered to benefit existing residents on Clement Street as well as those occupying the proposed dwellings. Therefore, once the site is developed it is not considered that the situation in respect of cars parking on the existing part of Clement Street would be exacerbated. It is recommended that a condition preventing the gating of the access to Clement Street is included to ensure that the private access is retained for the benefit of Clement Street.

The Transportation Unit have assessed the revised site layout and proposes a manoeuvring facility which is in line with the relevant guidance, while the shared pedestrian / vehicular surface is of a suitable width. It is noted that the revised drawing CS/01 Rev A, shows that the proposal will have 5no dwellings served from the private drive, with the 6<sup>th</sup> dwelling being served from the adjacent adopted highway.

Parking is in accordance with the Councils parking standards, and the proposed layout is acceptable from a highways perspective and would comply with the requirements of the NPPF and Local Plan policies referred to above.

## Trees

The survey submitted with the application revealed 9 items of woody vegetation, comprising of 7 individual trees and 2 groups of trees or shrub / hedge groups. Of the surveyed trees: 3 trees or groups are retention category 'B' and the remaining 6 trees or groups are retention category 'C'.

The report concludes that the higher value retention category 'B' trees and groups should be retained, where possible, and incorporated into any new development design. The highest value trees are Sycamores T3, T6 and T7 and are propose to be retained. The remaining category 'C' trees are also proposed to be retained (with the exception of T5) and it is considered that these should not present any difficulty for the future site development.

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 layout plan shows that the proposal would not result in any loss of the existing trees mapped on site, with the exception of T5.

The Council's Tree Officer has raised no objections to the scheme in principle but notes that there are some concerns regarding the lack of information, and in particular the lack of an Arboricultural Method Statement and this will need to be addressed through the submission of further information or via condition.

In terms of excavations within Root Protection Areas (RPAs) of retained trees, it is acknowledged that a Tree Protection Layout has been submitted, this does not include an Arboricultural Method Statement including relevant details as described in Clause 6 of BS 5837: 2012 Trees in relation to design, demolition and construction.

The site previously had numerous other trees growing within its boundaries, most of which had been removed prior to this application. A Section 106 agreement was made to mitigate the loss of those trees (under RB2018/1636) and payment of this application has since been made for the improvement in replacement offsite tree provision.

Overall therefore this aspect of the scheme is considered to conform to Policy SP32 'Green Infrastructure and Landscape' and the general advice within the NPPF subject to a final Arboricultural Method Statement and Landscape Plan condition.

## Ecology

A biodiversity report and survey was submitted with the application. The survey concluded that no opportunity for roosting bats was identified on the site, as bats are sensitive to artificial lighting, but there is potential for active birds' nests to be destroyed during vegetation removal. Accordingly, the survey recommends that any vegetation clearance works should be undertaken outside of the bird breeding season.

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..."

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.

It is considered that subject to the recommendations outlined in the submitted Biodiversity survey and report being carried out when the site is either cleared and during construction phase, there would be no adverse impact on the biodiversity of the area, as such this will be conditioned. In addition it is considered that biodiversity enhancement in the form of bat and bird boxes and suitable landscaping which can be conditioned.

Notwithstanding the above it is noted that any works which could damage protected habitats such as nesting birds and bats are covered under separate legislation and as such a relevant informative will be appended to any approval.

The ecology survey concluded that the development of the site would result in a net loss of -0.44 habitat units. There is limited public space to provide replacement onsite provision, and private garden areas are considered unsuitable for replacement due to the potential for future householders to remove biodiversity improvements. Accordingly, the applicant has agreed to provide replacement offsite provision through a commuted sum of £13200 which is calculated from a figure of £30 000 per habitat unit. This would need to be provided through a S106 legal agreement.

In light of the above it is concluded that subject to conditions the development of the site would comply with the requirements of paragraph 180 of the NPPF and Local Plan policies CS20 'Biodiversity and Geodiversity', SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species'.

## Drainage

The site is located within Flood Zone 1 and is less than 1ha in area, as such no Flood Risk Assessment is required.

No drainage proposals have been submitted as part of the application to detail how the site will be drained, but Yorkshire Water have indicated that this matter can be dealt with via a condition if planning permission is granted. RMBC's Drainage Officers have raised no objections to the proposals.

Accordingly, subject to conditions the scheme would comply with policy CS25 'Dealing with Flood Risk'.

## Land contamination

The site has historically been occupied by allotments/gardens in the past. Based on the site's past use as allotments/gardens and the possible presence of made ground and fly tipped/burnt areas, there is some potential for commonly occurring contaminants (i.e. heavy metals, PAHs) to be present within the near surface soils.

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

Overall from a land contamination standpoint there are no objections to the development subject to standard conditions.

## **Conclusion**

Having regard to the above, the application is considered to be acceptable in principle and represents an acceptable form of development which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, the proposal would not adversely affect the amenity of existing and proposed residents, and would not result in highway safety issues. Therefore, the application would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions and the signing of the S106 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 16 and 18 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 16 and 18 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)

(Drawing numbers

Location Plan CS/02

Boundary Layout CS/03

Planning Layout revised plan CS/01 Rev A

Elevations and Floor Plans revised plots 1 and 2 CLM/01 Rev B

Elevations and Floor Plans revised plots 3 and 4 CLM/02

Elevations and Floor Plans revised plots 5 and 6 CLM/03

#### Reason

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

03

No above ground development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

#### Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Local Plan Policies and the NPPF.



04

Prior to occupation of the first dwelling the approved boundary treatment (ref Boundary Layout CS/03) shall be erected and thereafter retained for the duration of the development.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28.

Highways

05

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

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

Reason

In order to promote sustainable modes of travel.

07

Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for each dwelling.

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, to comply with the aims and objectives Chapters 2, 9 and 15 of the National Planning Policy Framework.

08

The turning head approved as part of this application shall remain available at all times and shall not be gated at any point in the future.

Reason

In order to safeguard the use of the turning head for the benefit of all residents of Clement Street.

Yorkshire Water

09

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage.

10

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 by which the discharge rate shall be restricted to a maximum rate to be approved by the Local Planning Authority in consultation with the relevant statutory undertaker .

Reason

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

Land Contamination

11

If subsoils/topsoils are required to be imported to site for garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in 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.

12

In the event that during development works unexpected significant contamination is encountered at any stage of the process, 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 Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

#### 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.

13

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

#### Ecology

14

Prior to the occupation of the first dwelling a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and holes and nesting opportunities for birds, shall be

submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented prior to the first dwelling being occupied and thereafter retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

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

**Reason**

To ensure no net loss in biodiversity across the site.

15

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/internal 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.

**Reason**

To safeguard existing bat roosts across the site.

## Trees

16

No operations shall commence on site in connection until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees 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:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837\*, with tree works proposals. All trees must be plotted on a site plan, clearly and accurately depicting trunk locations, root protection areas and canopy spreads (submitted).
- A plan detailing all trees planned for retention and removal (submitted).
- 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 conducted in accordance with BS: 3998\*
- Site specific demolition and hard-surface removal specifications (if applicable)
- 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.

All tree protection methods detailed in the approved 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.

\*Using the most recent revision the of the Standard

## Reason

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

## Landscape

17

Before the development is brought into use, a Landscape scheme along with final boundary treatment, showing location and types of landscape and

boundary treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

#### Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with the Local Plan.

#### Construction Management Plan

18

Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;

and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

#### Reason

In the interests of highway safety and residential amenity.

### **Informatives**

01

The development should be designed and built to Secured by Design standards. [www.securedbydesign.com](http://www.securedbydesign.com)

02

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.

03

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.

In the absence of mitigation, where vegetation removal is scheduled during March– August (inclusive), there is potential for active bird nests to be destroyed during Site vegetation clearance works.

As such, any vegetation removal should ideally be programmed to be undertaken outside of bird breeding season, i.e. between September and February (inclusive). If it is not possible to schedule clearance works for these months, a nesting bird check by a suitably qualified Ecologist will be required no more than two days prior to vegetation clearance, to identify the presence of active bird nests.

An active nest would require an exclusion zone to be established and adhered to until chicks have fledged and/or the nest is no longer in use (to be monitored and confirmed by an Ecologist).

#### 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 in respect of the indicative layout so that it was in accordance with the principles of the National Planning Policy Framework.