

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY BOARD

VISIT OF INSPECTION – THURSDAY, 3RD JULY, 2025

Departing from the Town Hall at 9.00 a.m. prompt.

1. **RB2023/1364**

Demolition of dwellings and outline application for the erection of 15 dwellings including details of access, appearance, layout & scale at land at Churchill Avenue/ Greenland Avenue, Maltby.

Requested by:- Officers and Local Residents

Reason:- To allow Members to consider concerns and to view these on site before coming to a decision.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2023/1364	Churchill Avenue/ Greenland Avenue, Maltby,	9.20 a.m.	9.50 a.m.

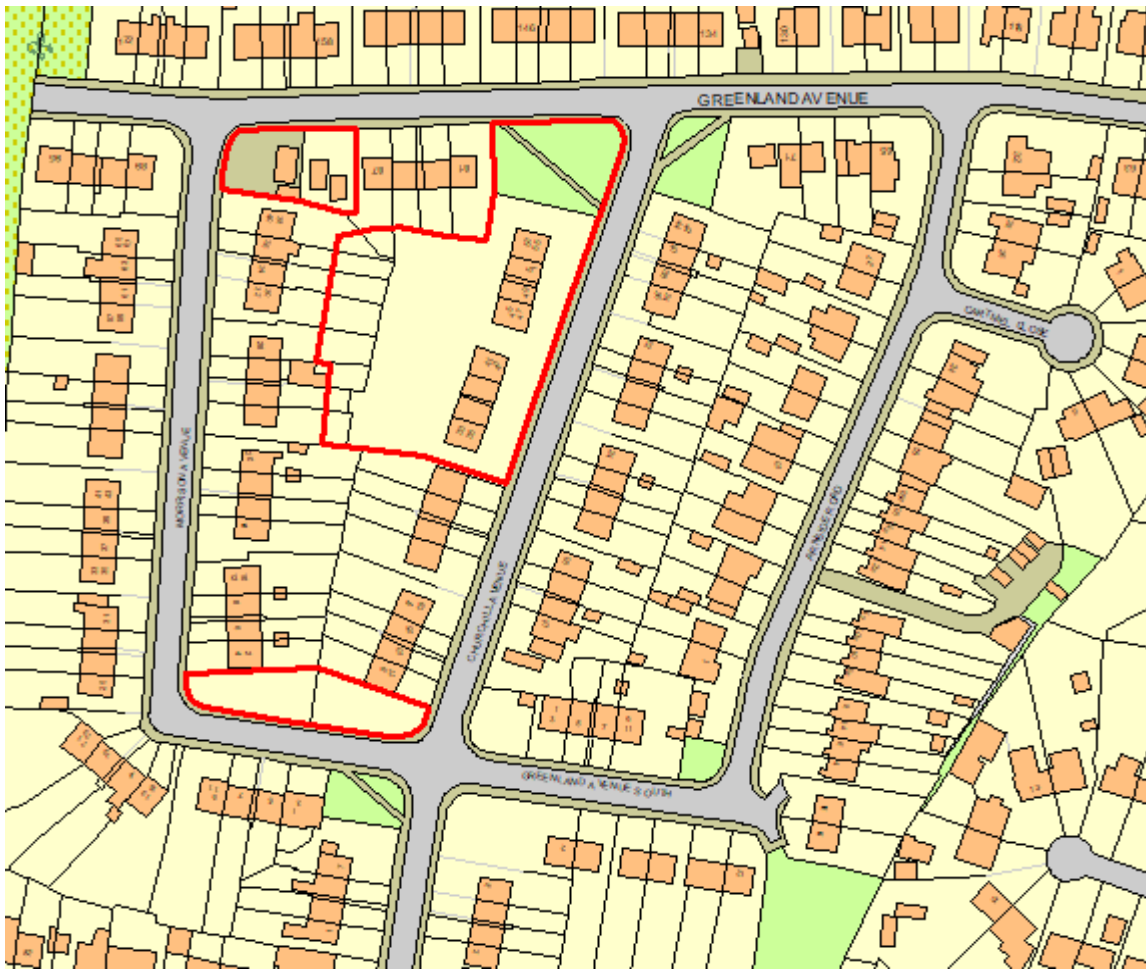
***Return to the Town Hall for meeting to
commence at 10.30 a.m.***

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 3 July 2025

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

Application Number	RB2023/1364 https://rotherham.planportal.co.uk/?id=RB2023/1364
Proposal and Location	Demolition of dwellings and outline application for the erection of 15 dwellings including details of access, appearance, layout & scale at land at Churchill Avenue / Greenland Avenue, Maltby
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">• £76,200 towards off site affordable housing provision• £7,500 towards sustainable transport measures (£500 per unit)• £56,055 towards secondary school education provision (Pupil yield £3,737 x 15 dwellings)• Establishment of a Management Company to manage and maintain the areas of Greenspace on 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>

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



Site Description & Location

The application site consists of various small parcels of land in and around Greenland Avenue, Maltby.

Site A forms a small parcel on the corner of Greenland Avenue and Morrison Avenue. The site is mainly hardstanding with garages sited on.

Site B consists of a grassed area of land on the corner of Greenland Avenue and Churchill Avenue, as well as two blocks two-storey flat roof dwellings.

Site C consists of existing rear gardens of properties on Morrison Avenue.

Site D forms an area of land along Greenland Avenue South and is currently grassed over. To the north and south are residential dwellings.

The surrounding streets, Morrison Avenue, Churchill Avenue, Greenland Avenue and Greenland Avenue South all consist of residential dwellings of varying styles and ages.

Background

There have been no planning applications submitted previously that relates to this land that would impact on this current proposal.

Community Infrastructure Levy

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

Proposal

The application is for the demolition of the two dilapidated blocks, containing 8 residential dwellings on Churchill Avenue and outline permission for the erection of 15 dwellings with details of access, appearance, layout & scale being considered.

The 15 dwellings would be two-storey and would be sited on Sites A, B and C, with Site D being an area of Public Open Space with tree planting.

On site A, two-dwellings are proposed, the properties would face Morrison Avenue. Plot 14 would have parking to the front and garden areas to the front and rear, while the adjoining Plot 15 would have parking to the rear, accessed off Greenland Avenue and be provided with a front, side and rear garden areas.

On sites B and C, the remaining 13 properties would be provided, along with a grassed area to the corner on Greenland Avenue and Churchill Avenue. 2 properties would front Greenland Avenue, 6 more properties would be sited fronting Churchill Avenue with a private drive between the two blocks. The private drive would open up and 5 more properties sited, which includes a pair of semis and a block of 3 dwellings.

The private drive would provide a turning facility and each property would be provided with two parking spaces and rear gardens.

Matters relating to landscaping are reserved to be considered later via a reserved matters application.

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

Planning Statement

The statement provides details of the site, the area, the proposals and a policy assessment.

Phase I Site Investigation

A Phase I Environmental Assessment has been submitted to determine the potential for land contamination issues arising from the current or historical uses of the site and surrounding area; and provide an assessment of potential risks that identified land contamination issues may pose.

The report identifies low to moderate risks to the identified receptors associated with potential land contamination.

It sets out several actions that should be incorporated to manage the identified potential land contamination risks.

Arboricultural Survey

The purpose of the survey and report is to identify the quality of woody vegetation over 75mm diameter on site to determine retention potential. Also, the survey will show the extent of canopy spreads, and Root Protect Area calculations, based on the BS5837:2012 standard to determine the development potential of the site. It aims to give a balanced judgment of the condition of any trees, hedges, and groups, which may be affected by a planning proposal, and where necessary, any future management. General information and guidance on the impacts of any proposed development may be given. The information provided in this report has been compiled in accordance with the relevant British Standard-BS5837:2012- 'Trees in relation to design demolition and construction recommendations.

This report includes an evaluation of the tree(s) on the day the site visits were made. Where access was limited, measurements were estimated. This report takes into account findings from these visits. Where similar trees are growing in large groups, their height and diameter may be estimated. Trees were surveyed if they affected the site and if their diameters at 1.5m exceeded 150mm in a woodland setting (75mm for individual trees).

Arboricultural Impact Assessment

The purpose of this Arboricultural Impact Assessment report was to advise on any Arboricultural issues which relate to a proposed development. An initial Arboricultural Survey site visit was carried out on the 23rd April 2024 by Selwyn Trees. The survey was carried out in accordance with BS5837: 2012- 'Trees in relation to Design, Demolition and Construction.

6 x trees and 4 x groups of trees were surveyed. All trees surveyed were assigned either BS5837:2012 retention category B or C.

2 Trees and 4 groups of trees are to be removed.

Preliminary Ecological Appraisal

The site was deemed to have some suitability for sheltering and commuting amphibians. Recommendations with regards to amphibians are given in the conclusion of this report.

Buildings are present on site, deemed to exhibit low suitability for roosting bats and two trees on site are deemed to have low suitability for roosting bats. Recommendations regarding these habitats are given in the conclusion of this report.

No suitable habitats for badgers were recorded within the site. No further survey effort is recommended.

The site habitats display some suitability to support breeding birds. If vegetation removal is required to facilitate the development within the breeding bird season (March to August), a nesting bird survey must be conducted by a suitably qualified ecologist.

Site habitats were deemed to have very limited suitability to support sheltering or commuting reptiles due to its small nature and high disturbance levels. No further survey effort is recommended.

The site was deemed to have some limited suitability for commuting hedgehog. Recommendations with regards to European hedgehogs are given in the conclusion of this report.

No suitable habitats for significant invertebrate assemblages were recorded within the site. No further survey effort is recommended in reference to invertebrates.

No suitable habitats for riparian mammals were recorded within the site or adjacent. No further survey effort is recommended in reference to riparian mammals.

Species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded within the site. Japanese Knotweed (*Fallopia japonica*) was present within the site, a likely result of fly tipping. No species listed on Schedule 8 of the Wildlife and Countryside Act 1981 were recorded within the site.

The proposals for the site include development that is deemed to be subject to Biodiversity Net Gain. The baseline value of the onsite habitats is given in section 7 of this report.

Bat Activity Survey

No evidence suggesting use by bats was recorded during the survey. The buildings within the site were assessed for suitability for use by bats as a roost or a place of shelter. The buildings were recorded as demonstrating features which have limited potential for use by roosting bats and when assessed by a licenced bat ecologist were categorised as offering low roost suitability. Consequently, a single dusk bat activity survey was recommended to ascertain bat presence/ likely absence.

Financial Viability Appraisal

The report provides details of the site, the application, the planning context, details of proposed development costs and a financial appraisal of the site.

The assessment concludes that the appraisal has shown that the development fails to generate a Residual Land Value that matches or exceeds the Benchmark Land Value and overall the scheme is unable to sustain any Affordable Housing or Section 106 Financial Contributions; and believe that to encourage the regeneration to come forward the Affordable Housing and developer contribution policies should be relaxed in respect of this application.

Biodiversity Enhancement Plan

The purpose of the Biodiversity Enhancement Plan is to satisfy planning comments applied to the application by the local authority ahead of development and provide a framework for enhancing biodiversity on site with a focus on sustainable ecological enhancement of the wildlife value of the site.

It is proposed that:

- Three Habitat bat boxes (custom facing) are integrated into three of the new dwellings;
- One Swift nest box (triple cavity) on one of the buildings;

- One integrated House sparrow nest box to be installed within the gable of one of the plots; and
- All boundary treatments should be designed to allow passage for small mammals. Any close board fencing or gravel boards along the site boundary should have an arch shape, no more than 15cm wide x 13cm high in each alternate panel to provide passage for small mammals including hedgehogs between the site and land outside the site boundary.

Biodiversity Net Gain Report

The total baseline habitat biodiversity units for the site were calculated at 1.22 units. Hedgerow units were calculated at zero linear units, with no river units present on site. No irreplaceable habitats are present at the baseline.

The total biodiversity units of on-site habitats post development are 1.23 units for habitats, with no new hedgerow units proposed.

Overall, the proposals for the development site will result in a gain of 0.01 biodiversity units for area habitats, representing a +0.76% net gain for area habitat units.

The majority of the no net loss has been achieved via the planting of 18 new small trees of moderate condition on modified grassland and other neutral grassland habitats on site D to the south of the development and the planting of 10 new small trees of moderate condition on modified grassland habitat on site B to the north east of the development.

Construction Environment Management Plan (Ecology)

The aim of the Construction Environmental Management Plan (CEMP) for Ecology is to set out the responsibilities regarding compliance with legislation and to implement any mitigation measures.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

CS7 'Housing Mix and Affordability'
 CS14 'Accessible Places and Managing Demand for Travel'
 CS19 'Green Infrastructure'
 CS20 'Biodiversity and Geodiversity'
 CS21 'Landscapes'
 CS25 'Dealing with Flood Risk'
 CS26 'Minerals'
 CS27 'Community Health and Safety'
 CS28 'Sustainable Design'
 CS30 'Low Carbon and Renewable energy generation'

CS33 'Presumption in Favour of Sustainable Development'
SP11 'Development in Residential Areas'
SP12 'Development on Residential Gardens'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP35 'Protected and Priority Species'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP64 'Access to Community Facilities'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

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

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

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide

National Internal Space Standards

Supplementary Planning Document

- Air Quality and Emissions
- Affordable Housing
- Natural Environment
- Transport Assessments, Travel Plans and Parking Standards
- Development Viability
- Biodiversity Net Gain

Maltby Neighbourhood Plan

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 20 letters of representation have been received from individual local addresses, Maltby Town Council, local councillors and a local action group (Big Power for Little London). The issues raised by local residents are summarised as:

- The landlord should not be given more houses that they can neglect and more tenants that he can mistreat.

- The landlord has no intention of fulfilling this planning application. The residents of Little London and the surrounding areas deserve better than this back of a cigarette packet planning application.
- I support Big Power for Little London in their campaign to turn the derelict land into a community garden or similar.
- The application should not be allowed because the applicant cannot or will not maintain the housing stock that he already owns on this estate.
- The derelict houses belonging to him are causing a vermin infestation in the locality, many of his properties suffer from damp and mould which is very much in the news this year due to the death of a child in another area that was attributed to the said conditions.
- The number of dwellings proposed is too high and it will cause serious traffic and noise impact on very limited access and narrow public roads.
- An increase in poorly managed dwellings by the owner of the houses is not supported by me or the residents and neighbours in surrounding areas I talk to.
- Residents have very little access to green space and children and young people have the benefit of very few safe, accessible activities. We are motivated by the shared need for safe and accessible activities for our children, and green spaces for everyone, to increase health, wellbeing and quality of life.
- Our group and our supporters throughout Maltby and Rother Valley are committed to organising residents and working towards these goals, and we invite RMBC to work with us in this regard. It is our intention to publicly campaign for the derelict site to be turned into a community resource that meets these currently unmet needs.

The issues raised by the Local Councillor are summarised as:

- Little London and the housing on Churchill Avenue have been a blot on the estate for many years. Whilst the potential for redeveloping the estate shows the potential for improving the estate and is loosely welcomed, we would like to see more of the estate redeveloped, which would have seen a larger improvement in housing and living conditions.
- There isn't much confidence in the developer to deliver this project and most around Little London would see this as a delaying tactic. I would like to be proved wrong on that assumption and would welcome the developer to outline a timeline for any works being carried out as well as having open conversations with the residents.
- Residents would welcome some community space where events could be held and a safe area for Children to play in.
- I have noticed on the plan the southern POS will this be managed by the developer.
- The area is of historical significance with the area built during WWII for Royal Ordnance Factory workers.
- The new development should match the existing architectural character (flat roofs, simple elevations) to avoid visual contrasts and community resistance.
- Churchill Road needs traffic calming measures (speed humps, signage, 20mph zones) due to speeding and unsafe driving.
- There are doubts about the current owner's intent/capacity for meaningful regeneration; need enforceable conditions for demolition/construction timeframes.
- The Landowner should commit to timely and visible progress; community deserves more than an undeveloped granted application.

- The CIL contributions should be ringfenced for estate improvements (landscaping, lighting, communal spaces) in Little London.

Maltby Town Council have commented as follows:

- Whilst in principle the Council agree to the development, they would like to see the development incorporate a play area or public space for use by the community. The Council believe that a safe area for the community should be a priority and is currently not present in the development.

The local action group Big Power for Little London have raised the following:

- Request for members to visit the site.
- This should not be taken as a serious planning application. The planning application for 15 dwellings on Churchill Avenue is a planning application in name only. It is not a serious plan to develop the houses and land on Churchill Avenue. There's an inadequate level of detail provided by the applicant for interested parties to respond in a meaningful way. The plans show no evidence of input from a single planning professional.
- The derelict houses and land on Churchill Avenue have been abandoned by the applicant for nearing 10 years, and have attracted vermin and anti-social behaviour, and are a risk to our children. Despite many previous planning applications. The applicant has failed to develop the derelict land and buildings. He also owns a large number of poorly maintained and managed properties on the estate, which often include serious health hazards, putting the health and wellbeing of their residents at risk.

1 letter of support has been received.

5 Right to Speak Requests have been received from local residents, a local councillor and the applicant.

Consultations

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Affordable Housing: No objections.

RMBC Environmental Health: No objections subject to conditions.

RMBC Education: An Education contribution would be requested for Secondary/SEND, as per our S106 policy, with the majority of Maltby Academy year groups being oversubscribed.

RMBC Drainage: No objections subject to conditions.

RMBC Trees and Woodlands: No objections subject to conditions.

RMBC Landscapes: No objections subject to conditions.

RMBC Land Contamination: No objections subject to conditions.

RMBC Public Health: No objections.

RMBC Ecology: No objections subject to conditions.

South Yorkshire Archaeological Service: No objections.

Severn Trent Water: No comments received.

SY Police Architectural Liaison Officer: No objections.

Rotherham NHS CCG: No objections.

SY Combined Mayoral Authority: No objections.

Appraisal

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

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (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
- Affordable Housing
- Design, Scale and Appearance
- Highways
- Landscapes and Trees
- Ecology / Biodiversity
- Drainage and Flood Risk
- Air Quality and Sustainability
- General amenity issues
- Impact on existing / proposed residents
- Land Contamination
- Archaeology
- Impact on Education / GPs
- Issues raised by objectors
- Planning Obligations
- Other considerations

Principle

The application sites are allocated for residential purposes within the adopted Local Plan as such the principle of residential on these sites are acceptable and in accordance with policy SP11 'Development in Residential Areas'.

SP11 states that areas allocated for residential shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

Further to the above part of site B and C form part of existing rear gardens of properties. Accordingly, policy SP12 'Development on Residential Gardens' is also relevant.

Policy SP12 states: *"Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:*

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

The development hereby proposed would satisfy the three criteria listed above. The scheme is a comprehensive scheme; the scheme would not affect the amenity of existing properties and the development would enhance the character of the area.

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

With regard to the above, the viability of the site has been challenged by the applicant and this has been independently assessed by the District Valuer. The assessment concluded that the scheme cannot provide any affordable units on site, but it can achieve a commuted sum towards affordable housing provision in the Borough, this is explained further in the report.

It should be noted that given the current dilapidated state of the buildings on site and in order to ensure that they are demolished as quickly as possible, it is considered reasonable to adjust the time limit for submission of the reserved matters to 1 year given only landscape is to be reserved. Furthermore, the implementation of the permission is to be amended to 2 years from the date of this permission or 1 year from the final approval of reserved matters. This has been agreed with the applicant.

Therefore, having regarded to the above the principle of development is acceptable.

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.”*

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 in close proximity to appropriate facilities and amenities, including an area of greenspace to the south-west, which is accessed off Salisbury Road, in addition an area of greenspace is proposed as part of the proposals, as such the scheme would satisfy this policy and would be sited in a sustainable 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 with the application and the Council’s Public Health Service have raised no objections to the site being developed.

Affordable Housing

Policy CS7 ‘Housing Mix and Affordability’ indicates that there is a requirement to provide 25% of the total number of dwellings as affordable homes for a development of this size unless it can be demonstrated that the site is not financially viable.

The applicant has challenged the viability of the scheme, which has been independently assessed by the District Valuer and a Quantity Surveyor.

The District Valuer has acknowledged that the scheme is not viable to provide a fully policy compliant scheme (i.e. 25% affordable housing on site, plus the s106 contributions listed above).

The applicant has made several rebuttals to the above conclusion citing some disagreements with the application of fees to the external build costs and the 10% contingency. However, the DV have maintained that the scheme can provide the above contributions and it remains viable for the applicant, although the applicant also maintains their position.

Therefore, the DV suggested that given the impasse and in order to come to some kind of resolution, an option to build a mechanism into the s106 that would allow for a late stage review of the development could be agreed, whereby if the scheme, once commenced, is unable to support the aforementioned s106 obligations either in full or in part, the obligations would fall away. Conversely, if build costs were lower and final sale prices were higher, additional funds would be available.

The above suggestion would allow for actual build costs and sales prices to be submitted as evidence to support a future viability challenge to demonstrate the scheme is unviable and it is proposed that a trigger point of 50% of the units for this review. This approach has been agreed with the applicant and would be built into the s106 legal agreement.

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.

With regard to the layout of the whole development, it is considered that it has been sympathetically designed, with those properties occupying the corner plots being suitable sited to ensure active frontages on both road frontages, furthermore those within the cul-de-sac are suitably sited in respect of impact on neighbouring properties.

The dwellings are provided with sufficient off-street parking and private amenity spaces in line with the relevant guidance. Furthermore, the two-storey dwellings would be in keeping with the older properties on the surrounding street and their siting ensures that there is sufficient inter-house spacing standards, while outlook will not be compromised, and they will not overlook or have any overshadowing that would be at a level that would adversely affect neighbouring residents.

With regard to the design of the properties they are acceptable and raise no design issues. Whilst there are flat roof properties in the area, properties on neighbouring streets consist primarily of dwellings with pitched roof forms, such that the introduction of pitched roof dwellings on this site would not be at odds with the wider character of the area. Furthermore, the introduction of pitched roofs is more traditional and visually pleasing than flat roofs, in addition pitched roofs are more durable than a flat roof and thus will not impinge on the ability of future residents to maintain their properties, moreover some mortgage lenders may view flat roofs as non-standard construction and therefore higher risk, potentially leading to fewer lenders, higher interest rates, and stricter requirements for future residents.

Overall, the design, size, scale, form and proposed materials will ensure the development would not be at odds with the character of the immediate surrounding area and would not introduce an incongruous feature.

The scheme as a whole would significantly improve the character and appearance of this site and the wider immediate area by removing the existing severely dilapidated dwellings which have a considerably negative impact on the visual amenity of the area.

Having regard to all of the above, it is considered that the scale, layout, appearance and design of the proposed development achieves an efficient use of the land 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 have a significantly positive impact on the character of the immediate surrounding area from a visual design aspect. In addition, the proposed materials would

be sympathetic to the area which has a mix palette of materials. Moreover, the dwellings in terms of size, scale, form and design would be acceptable.

Therefore, for the reasons set out above and subject to conditions the proposed development would be in compliance with the local and national planning policies and guidance referred to and as such would not give rise to any design issues.

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

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

Highways

Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios."*

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 115 and 117 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 Council's Transportation Infrastructure Service have indicated that the site layout plan demonstrates that a fire appliance size vehicle can turnaround within the private drive. In addition, the plan shows a dropped crossing into the private drive, furthermore whilst it is not required on private drives the applicant has also provided internal footways on the private drive.

The access is therefore considered to be acceptable in highway terms and will not have an adverse or severe impact on highway safety.

The parking provision for each dwelling is in accordance with the Council's parking standards set out within the adopted SPD 'Transport Assessments, Travel Plans and Parking Standards'.

Furthermore, there is a requirement for a contribution of £500 per dwelling (£7,500) to be paid towards the promotion of sustainable transport which will be secured via a legal agreement.

It should also be noted that the proposed vehicle access to site B, may also be affected by existing BT apparatus. Should this be the case then contact should be made with the Utility company in order for arrangements to be agreed to relocate the apparatus, at the applicant's expense. Similarly, there are street lighting columns that appears as though they will affect both vehicle access points in site A. Should the proposed formation of the driveway affect this lighting column, then contact should be made with Rotherham MBC's Streetpride Department in order for arrangements to be agreed to relocate the lighting column at the applicant's expense.

In light of the above, it is considered that there are no justifiable reasons to refuse planning permission on highway / transportation grounds subject to relevant conditions.

Landscapes and Trees

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..."*

Whilst matters relating to landscape are not being considered under this application and will form the basis of the reserved matters application which will be submitted at a later date, but before works can commence, it is noted that the plans show an area of landscaping is shown on Site D which is a parcel of land along Greenland Avenue South and is currently grassed over. The precise details of this landscaped area will form part of the reserved matters application.

Notwithstanding the above, the proposed landscape area in general is acceptable subject to specific details being submitted with the reserved matters application.

Further to the above, there are some trees on and / or close to the application site. A Tree Survey with Impact Assessment has been submitted and the contents of it are acceptable.

It is acknowledged that access was very limited for some retained trees and their value and condition assessment may need revising following a more detailed assessment.

The survey details 4 category B trees and several lower value category C trees. Two category B trees are to be removed and 4 category C groups are to be removed, as part of the new development.

Indicative tree planting has been detailed on the tree plans and a detailed tree planting mitigation plan will be required to compensate for the tree losses. A detailed Arboricultural Method statement / Tree Protection Plan will be required, and this can be in the form of planning conditions.

Therefore, in light of the above and subject to conditions the proposed development will raise no concerns regarding the loss of trees and the future landscaping of the site. As such the scheme would comply with the policies and guidance referred to above.

Ecology / Biodiversity

Paragraph 187 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

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

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

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

A Preliminary Ecological Appraisal Report and subsequent Bat Activity Survey have been provided with the application.

Bats

In line with the findings of the ecology report the site a dusk bat survey was required. This has been submitted and shows that the site has low potential to support roosting bats.

Breeding Birds

In line with the report, it will 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).

Great Crested Newts

There are great crested newts present in the local wildlife site Greenland Plantation. As the site contains some suitable habitat for GCN and common amphibians on-site a Construction Environmental Management Plan (CEMP) has been submitted with the application and is considered to be acceptable. Accordingly, the document will be conditioned.

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 one of each of the below:

- 1 bird box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The box can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.
- 1 swift box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Manthorpe 'GSWB' Swift brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box. Alternatively, RSPB Swift Box may be more suitable for the development. The box(es) should be located high within the gable wall, ideally above 5m high, below the overhang of the verge and barge board.
- 3 bat boxes should be integrated into buildings on a southerly aspect / orientation (south, south west, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants. Hedgehog holes can be created by 13x13cm holes at ground level within fences, or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. To ensure holes are kept open 'Hedgehog Highway' signage should be provided and secured above the holes.

A Biodiversity Enhancement Plan has been submitted in support of the application which indicates that the following enhancements will be included in the design of the development:

- Three Habitat bat box (custom facing) are integrated into three of the new dwellings;
- One Swift nest box (triple cavity) on one of the buildings;
- One integrated House sparrow nest box to be installed within the gable of one of the plots; and
- All boundary treatments should be designed to allow passage for small mammals. Any close board fencing or gravel boards along the site boundary should have an arch shape, no more than 15cm wide x 13cm high in each alternate panel to provide passage for small mammals including hedgehogs between the site and land outside the site boundary.

The document has been considered and is deemed to be acceptable. Accordingly, compliance with the document shall be conditioned.

Biodiversity Net Gain

The application is not subject to mandatory biodiversity net gain as it was submitted prior to 12th February 2024 mandatory date but in line Policy SP33 'Conserving the Natural Environment' the application will need to demonstrate no net loss as a minimum.

The total baseline habitat biodiversity units for the site were calculated at 1.22 units. Hedgerow units were calculated at zero linear units, with no river units present on site. No irreplaceable habitats are present at the baseline.

The total biodiversity units of on-site habitats post development are 1.23 units for habitats, with no new hedgerow units proposed.

Overall, the proposals for the development site will result in a gain of 0.01 biodiversity units for area habitats, representing a +0.76% net gain for area habitat units.

The majority of the no net loss can be achieved via the planting of 18 new small trees of moderate condition on modified grassland and other neutral grassland habitats on site D to the south of the development and the planting of 10 new small trees of moderate condition on modified grassland habitat on site B to the north east of the development.

Accordingly, whilst landscape is reserved for future consideration, the aforementioned planting scheme would comply with the policies and guidance referred to above and the details of the planting in Site D and Site B will come forward as part of the first reserved matters application.

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.

The Council's Drainage Engineers have confirmed that the development of this site would not result in flooding issues either to this site or to neighbouring sites and the site does not suffer from Surface Water drainage issues.

The Council's Drainage Engineers have indicated that they have no objections to the development subject to a condition requiring the submission of foul, surface water and land drainage systems details before commencement of development.

Therefore, subject to the above condition the application would raise no drainage or flood risk issues and would comply with the policies referred to above.

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 117 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 Council's adopted SPD 'Air Quality and Emissions' requires all new dwellings with in-curtilage car parking to be provided with an EV charging point. No details have been submitted in this respect as such the Council's standard condition will imposed on any approval to ensure that the EV charging point for each dwelling is provided before each dwelling is occupied and is thereafter maintained and retained.

Having regard to the above it is considered that subject to conditions, the development will comply 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.

General amenity issues

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 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 and these matters will be conditioned.

Impact on existing / proposed residents

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, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule. Furthermore, so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 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 impact of the proposed dwellings on the amenity of existing neighbouring residents would meet the inter-house spacing standards detailed above. Furthermore, the inter-house spacing standards between the proposed dwellings would also meet the standards above. 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 proposals would result in the reduction in length of some gardens on Morrison Avenue to accommodate the development. However, the residual rear gardens of properties on Morrison Avenue would still ensure that the future occupants of those properties are provided with private rear garden sizes in accordance with the South Yorkshire Residential Design Guide. Moreover, the distance from the rear of those properties on Morrison Avenue to the rear garden and rear elevations of the proposed properties, would satisfy the spacing standards set out in the South Yorkshire Residential Design Guide.

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.

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.

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.”*

Within the former garden areas of Site A, substantial stockpiles/disposal of unknown waste has occurred, with surface cover materials comprising demolition rubble, broken bricks, tiles, asphalt, fly tipped material and litter. It is known that the properties located on this parcel of land formally contained asbestos containing materials and it is likely that surface soils have been impacted by asbestos.

Historical maps depict the application site has having been part of a field in a largely undeveloped area from circa 1850 to the 1930’s. By 1948 the site had become occupied by a number of residential properties, to include the current site buildings and those on Morrison Avenue, Greenland Avenue and Churchill Avenue. Small outhouses appear to have been constructed around many of the properties by the mid-1970s, but otherwise,

the building layout at the site and in the area around it have remained the same since the houses were built.

Aerial photograph records indicate that some clearance activities around the site properties were undertaken around 2015 and that by 2022, the small outbuildings near each of the properties had been removed.

Historically, the land was in use as open field/agricultural land prior to becoming occupied by residential properties with associated out houses and domestic garages. It is common knowledge that these houses were constructed for short term use only, to house residents who worked in the Royal Ordnance Factory (ROF) established in the 1930s for rifle manufacturing.

It is known that a number of these residential properties have been stripped out as part of significant upgrade works along with the demolition of various structures. However, the upgrade works were abandoned and the land was left as derelict land. Stockpiling of demolition rubble, waste disposal and fly tipping have all occurred at the site. It is considered likely that shallow made ground will now be present across the site which has the potential to be affected by contamination. Such contaminants may include:

- 1) Presence of naturally occurring metals in the soil
- 2) Presence of heavy metals/metalloids, PAHs, sulphates associated with the former buildings on site
- 3) Presence of asbestos fibres/fragments
- 4) Presence of PAHs
- 5) Unknown contaminants associated with significant volumes of stockpiled material and fly tipped waste
- 6) Ground gas

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

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

Based on the above it is considered that a Phase II Intrusive Site Investigation be undertaken to confirm the ground conditions across the site and to assess for any contamination which may exist within the surface soils at the site.

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

Therefore, in respect of land contamination it is considered that conditions requiring the submission of additional information is required, but appropriate mitigation is likely to be acceptable to allow the sites to be developed for residential.

Archaeology

South Yorkshire Archaeology Service have indicated that there are no archaeological concerns with developing the application site(s).

The sites comprise an area of mid-20th century housing built on former agricultural land, the boundary form of which is suggestive of piecemeal enclosure from woodland clearance in the early post-medieval period. Although the wider area is known to have been occupied from the Iron Age, the nature of previous land use, and the anticipated level of impact from the extant development, is such that the site has minimal potential for coherent archaeological remains.

No archaeological work is recommended and there are no archaeological objections to the proposed development.

Impact on Education / GPs

With regard to the impact on schools, the Education Service have noted that an Education contribution is required for Secondary/SEND due to the majority of Maltby Academy year groups being oversubscribed. The figure has been calculated to be £56,055 and will be secured via a legal agreement. This has been calculated on the basis Education Contributions Policy (2024) which equates to a pupil yield for secondary school places of £3,737 multiplied by the number of dwellings (15 dwellings).

NHS have indicated that similar to other recent applications for Maltby, this development is small enough that it wouldn't have a particular impact on existing services when reviewed in isolation.

Issues raised by objectors

The majority of the objections received do not relate to material planning considerations. Those that are material considerations have been addressed in previous sections of the report and it is considered that the scheme subject to conditions would overcome those material planning considerations raised by local residents.

For clarification matters relating to the applicant, their business operations, their potential intentions for the site, their ability to bring forward the development and hearsay are not material planning considerations, and no weight can be afforded to those matters in the determination of the application, or in weighing up the planning balance and are not justifiable planning reasons for refusal.

In addition, prospective proposals from local residents and the action group about wanting to turn the site into a community garden, is noted but the applicant is the landowner and a decision can only be made on the plans in front of the Council and having regard to planning matters only. The applicant controls the land and would have to sell the land to local residents and / or the action group, which the Council has no control over and is not a planning matter.

Moreover, the request for the CIL contributions to be ringfenced for this area, are noted but the CIL regulations do not allow for funds generated by a single development to be ringfenced for a specific area. As with all CIL monies generated by developments in the Borough, the money is pooled together and bids can be made to access money for certain infrastructure improvements as set out in the Council's adopted CIL policy and the national guidelines.

Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) Subject to paragraph (2A), A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development;*
- (c) fairly and reasonably related in scale and kind to the development."*

All of the tests must be complied with and the planning application must be reasonable in all other respects. This is echoed in Paragraph 57 of the NPPF.

In respect of obligations, as set out in previous sections of the report £7,500 is to be secured via a s106 for payment towards sustainable transport promotion in the Borough, which is calculated at £500 per unit); and a further sum of £56,091 towards Secondary education in the local area (Maltby Academy).

Furthermore, as previously stated the scheme is not viable to provide a fully compliant scheme of 25% of the total number of dwellings on site being affordable homes as required by policy CS7 'Housing Mix and Affordability'.

The applicant challenged the viability of the scheme, which has been independently assessed by the District Valuer, who have confirmed the scheme is not viable to provide a fully policy compliant scheme (i.e. 25% affordable housing on site). However, the DV have indicated that a scheme which provides the following contributions is deemed to be viable to provide a commuted sum of £76,200 towards off site affordable housing provision in the Borough in lieu of an on-site provision.

As mentioned previously in the report there will be a mechanism within the s106 for a late-stage review of viability which may or may not amend the figures for affordable housing, education and sustainable transport.

In light of the above and subject to the signing of a s106 with the proposed mechanism for further review being incorporated the scheme can be supported from a viability perspective and would comply with policy CS7.

Other considerations

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.

Further to the above, as the application is classed as a major development and in line with policy CS10 'Improving Skills and Employment Opportunities', the Council's standard planning condition relating to Local Labour Agreements for the construction phase to

ensure a high percentage of the workforce on the construction phase is from the local area will be imposed on any approval.

Conclusion

Having regard to the above it is considered that the proposals put forward are considered to represent an efficient use of land which provides a suitable scheme in line with adopted Local Plan policies, SPDs and Design Guides, as well as National Planning Policies and Guidance. The design of the development ensures there is sufficient space between existing and proposed properties, sufficient in-curtilage parking spaces and each property is provided with a sufficient amount of private amenity space. Furthermore, the development would result in an increased level of landscaping and tree planting which will provide an attractive development with habitats for various types of wildlife. The development would not give rise to highway issues and matters relating to amenity can be safeguarded by suitable worded conditions.

Therefore, it is concluded that the proposal, subject to conditions and the signing of the s106, would be in compliance with the requirements of the relevant national and local planning policies, which outweighs the issues raised by local residents and thus the application is recommended for approval.

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 **13, 17 and 27** 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 **13, 17 and 27** 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

- a. Application for approval of reserved matters must be made within **one** year of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - (i) The expiration of **two** years from the date of this permission; OR
 - (ii) The expiration of **one** year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

Before the commencement of the development (including demolition), details of the landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

03

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

b/21/02 – Semi-detached House Type

b/21/03 – Terraced House Type (Plots 1,2,3 and 9,10,11)

b/24/01 Rev C – Location Plan and Proposed Site Plan

b/24/04 – Terraced House Type (Plots 4,5,6)

Reason

To define the permission and for the avoidance of doubt.

04

Prior to construction works commencing above ground level, details of the materials to be used in the construction of the external surfaces of each phase 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.

Construction Management

05

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

Reason

To safeguard the amenities of the occupiers of nearby properties.

06

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 Code of Practice: 'Noise Control on Construction and Open Sites'.

Reason

To safeguard the amenities of the occupiers of nearby properties.

07

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

Reason

To safeguard the amenities of the occupiers of nearby properties.

08

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

Reason

To safeguard the amenities of the occupiers of nearby properties.

Highways

09

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.

10

Prior to construction works commencing above ground level, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of

sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

11

Prior to construction works commencing above ground level, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles for the application site. The scheme shall meet the following minimum standard for numbers and power output:

- 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 interests of sustainable development and air quality.

Landscapes

12

The first reserved matters application shall include a detailed landscape scheme for the POS areas and plot landscaping. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and maintained for the lifetime of the development 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.

Trees

13

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 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:

- 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 scaled site plan**, clearly and accurately depicting trunk locations, root protection areas and canopy spreads. *(Provided)*
- A plan** detailing all trees and hedgerows planned for retention and removal. *(Provided)*
- A schedule of tree works for all the retained trees and hedges 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/Hedge 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 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

** Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

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.

14

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved. No operations shall commence above ground level until a suitable scheme of proposed tree planting and tree pits have been submitted to and approved by the Local Planning Authority. The scheme shall include the following comprehensive details of all trees to be planted:

- A scaled plan showing the locations of the new trees (existing trees must also be shown)
- The species and stock size.
- Include details confirming the planting intended to mitigate the tree losses detailed in the AIA.
- An assessment of suitability of planting location
- Actions taken to mitigate any foreseeable issues i.e. the use of root barriers/deflectors, flexi-paving, appropriate species selection, structured soils, foundations, etc.
- Proposals should be in accordance with British Standard 8545:2014 - Trees: from Nursery to Independence.
- Five year post planting maintenance and inspection schedule.

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

15

Construction works shall not commence above ground level until details of the foul, surface water and land drainage systems 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.

Waste Management Plan

16

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:

- information on the amount and type of waste that will be generated from the site;
- 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);
- 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);
- 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;
- measures to minimise the use of raw materials and minimise pollution of any waste;
- details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 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
- 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.

Local Labour Agreement

17

Prior to the commencement of works (including demolition), a Local Labour Agreement relating to the demolition and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scope of the Agreement shall be agreed in writing prior to submission of the formal document. The development shall thereafter be carried out in accordance with the approved Agreement.

Reason

To improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities.

Land Contamination

18

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

The above works shall be conducted in line with guidance document 'Land Contamination Risk Management' (October 2020) and predecessor guidance 'Model Procedures for the

Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017)

Reason

To ensure the safe occupation of the site.

19

Prior to construction works commencing above ground level and subject to the findings of condition 18 a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure the safe occupation of the site.

20

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

Reason

To ensure the safe occupation of the site.

21

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

Reason

To ensure the safe occupation of the site.

22

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

Reason

To ensure the safe occupation of the site.

Ecology

23

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.

24

The development shall be completed in accordance with the recommendations in the submitted Construction Environmental Management Plan (ref: SQ-2321), dated 10th September 2024, prepared by Estrada Ecology. All the recommendations shall be implemented in full during the construction phase and thereafter permanently retained.

Reason

In the interests of biodiversity and ecology.

25

The development hereby approved shall be completed in accordance with the recommendations in the submitted Biodiversity Enhancement Plan (ref: SQ-2321.1), dated 21st August 2024, prepared by Estrada Ecology. All the recommendations shall be implemented prior to the first dwelling being occupied and shall thereafter be permanently retained.

Reason

In the interests of biodiversity and ecology.

26

The first reserved matters application shall include details of the planting at Site B and Site D as outlined in paragraph 8.3 of the Biodiversity Net Gain Report (ref: SQ-2321), dated 17th October 2024, prepared by Estrada Ecology.

Reason

To ensure there is no net loss of Biodiversity from the development.

Demolition

27

Prior to any demolition works commencing a Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority which includes details on the proposed method of demolition, the length of time the demolition will take, how rubble / materials will be removed from the site or reused in the development of the site. The demolition shall thereafter take place in accordance with the approved details.

Reason

In order to encourage the redevelopment of this site and in the interests of the visual amenity of the area.

Informative(s)

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

It is recommended that the scheme should be built to Secured by Design standards (www.securedbydesign.co.uk)

03

In the unlikely event that great crested newts are recorded on-site then all works must cease with immediate effect and Natural England must be consulted via a suitably qualified ecologist to obtain a licence to facilitate the works.

04

This development is not subject to the statutory Biodiversity Gain Plan condition because the planning application was submitted before the statutory requirement for applications.

05

If any tree losses are unavoidable, then the Tree Service will require a CAVAT evaluation of the trees to be removed with a sufficient tree planting mitigation plan to compensate for their loss (equal to the CAVAT evaluation).

06

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.

POSITIVE AND PROACTIVE STATEMENT

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

