

**REPORT TO THE PLANNING BOARD TO BE HELD ON THE
26TH FEBRUARY 2026**

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

Application Number	RB2024/1431
Proposal and Location	Erection of 107 dwellings, associated highways, landscape, open space and drainage infrastructure at land Mansfield Road, Aston
Recommendation	<p>a) That the Council enter into a legal agreement with the developer 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"> • Affordable housing provision (9 units including 6 bungalows on a 1:2 ratio and 3 x 2 bed properties) • Education Contribution of £327,189.50 towards secondary education at Aston Academy in line with the 2025 Education s106 policy • £104,000 towards consulting rooms at Swallownest Health Centre • £500 per dwelling towards promotion of sustainable transport (£53,500 in total) • £39,108 for bus stop improvements at bus stop 30970 (Mansfield Road) and 30969 (Mansfield Road). • A contribution in the region of £10,200 towards the 30-year management and monitoring of the significant on-site habitat. • A financial contribution of up to £67,203 to support existing sports pitch provision within an initial one-mile radius of the site and as required by the Play Pitch Strategy. • Establishment of a Management Company to manage and maintain the areas of Greenspace on site. <p>b) Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report</p>

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

Site Description & Location



The site extends to approximately 3.86 hectares and is located to the south of the village of Aston.

The site comprises a single agricultural field, which is enclosed by hedgerow and trees to the north and west, and the A57 to the south. To the east, the site adjoins a further field and to the west is the Mansfield Road Industrial Estate, comprising a range of industrial buildings and open storage areas.

The site's topography slopes downwards from north to south. Telecoms wires cross the site with a pole present in the centre of the site.

Beyond Mansfield Road to the north of the site, is the main residential area of Aston, while to the south beyond the A57 lies Rother Valley Country Park.

The site is currently served by a single agricultural access point on the northern boundary, from Mansfield Road.

The site is within Flood Zone 1 on the Environment Agency Flood Map.

There is one identified heritage asset within 50m of the Site, a Milepost approximately 200m southeast of the junction with Lodge Lane (list entry no: 1314656).

Background

There have been no previous applications submitted relating to this site, however there was an application on the site to the east the details are:

RB2019/1932 – Erection of 140 no. dwellinghouses including access, associated infrastructure, landscaping, public open space and parking – WITHDRAWN – 22 January 2026

CIL

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

Proposal

This application seeks full planning permission for the erection of 107 dwellings and associated highways, landscaping, open space and drainage infrastructure. This has been reduced from the initial request for a scheme of 111 dwellings.

Of the 107 proposed dwellings, 27 will have 2 bedrooms, 51 will have 3 bedrooms and 29 will have 4 bedrooms.

The majority of the development will be two-storey in height, with the exception of the 12 bungalows.

The dwellings comprise a mix of detached and semi-detached units, the majority of dwellings will have gable pitched roofs, there will also be some that have hipped-roofs spread throughout the site.

The proposed layout utilises vehicular access from Mansfield Road to the east of the northern boundary. From the access point, the main 'spine' road runs towards the south, before curving to the west and continuing toward the southern boundary. Several secondary roads branch off from the spine road, leading to private drives.

Dwellings are oriented to front both sides of the main spine road, providing both inward views and toward the sites northern and southern boundaries. Plot 82 is designed so that its frontage faces Mansfield Road

There is an area of public open space along the southern boundary of the site, this includes recreational space, sustainable drainage infrastructure, a LEAP and a landscape buffer that includes new and retained trees along the southern boundary, with a native shrub mix proposed to be planted around them.

A landscaped area is located adjacent the site access along the northern boundary of the site with proposed tree planting and hedgerow around the boundary.

A meadow mixture for wetlands (Emorsgate EM8 Meadow Mixture) is proposed within the sustainable urban drainage area, at the southwest corner of the site.

All dwellings feature off-street, in-curtilage parking. Parking is proposed in a number of different formats, including side parking and frontage driveways, with single garages proposed to serve a number of plots. Visitor parking is provided throughout the site.

The proposed dwellings are to be traditional in style to reflect the local area. The external walls will be constructed using a red buff brick, with grey roof tiles.

Additional features including quoin detailing, brick heads, cills and corbeling at eaves level create visually appealing elevations.

Boundary treatments to the area of public open space to the south comprise a 0.45m high knee rail fence, the same treatment is proposed in front of the landscape strip along the Mansfield Road frontage. Rear gardens feature a 1.8m timber fence to rear garden boundaries and side boundaries that are adjacent to the street. Internal garden fencing comprises lower post and wire fencing.

All plots have front lawns, with some including new tree planting. Hedgerow and shrub bed planting is proposed between some dwellings to further soften the appearance of the development.

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

Design and Access Statement

The statement provides details on the location, its setting, the proposed development, including its scale, appearance, design and accessibility.

Planning Statement (including Statement of Community Involvement) – Updated October 2025

The statement provides an overview of the site and its surroundings; proposed development; pre-application consultations; relevant planning policy context and policy assessment.

Noise Impact Assessment – amended February 2025

This assessment has been prepared in review of noise impacts from transportation sources and commercial premises on the intended occupiers of the proposed development.

Version 2 of this document has included an expanded assessment for worst-case commercial sources, to address comments received as part of the application process, from RMBC Environmental Health.

The site is dominated by transportation noise. The initial site noise risk assessment has been categorised in the worst case as 'medium risk' on the future occupants of the development because of road traffic from A618 Mansfield Road to the northeast and the A57 to the southwest.

Commercial or industrial activity noises have not been observed on the Site and so considered "not dominant" with respect to any businesses in the local area further to Agent of Change considerations.

A noise impact assessment has been carried out for the adjacent concrete batching plant to confirm this source of 'low impact' with respect to the proposed residential development.

Commensurate design specifications have been established considering current industry guidance against the proposed scheme layout. It has been realised that suitable internal and external amenity standards can be readily achieved by the development.

A scheme of transportation noise control has been provided for various plots at the front of the Site and nearest to Mansfield Road.

Off-site development road traffic noise impacts have been considered in the opening year of 2029, where a minor difference in road traffic composition would occur along the A618 Mansfield Road to result in 'negligible adverse' noise impacts.

On the basis that design guidance within this report has been adopted, it follows that any significant adverse noise impacts will be avoided in the finished development as to accord with overarching national and local planning requirements for new residential development.

Landscape Management Specification

The purpose of this report is to set out clearly the basic management/maintenance techniques appropriate to this site up to Year 5 in detail and basic recommendations beyond Year 5.

For the purpose of this report, on newly created landscapes, Year 1 begins 12 months after practical completion has been achieved, and the Defects Liability and Aftercare Period have been served and the site handed over.

This landscape management specification shall last for the lifetime of the development.

Arboricultural Impact Assessment

The purpose of this report is to assess the impacts to the existing tree stock that will arise from the proposed development. The report details the impacts to trees; those to be removed, retained, or pruned as necessary and detail any proposed mitigation, compensation or protection measures, along with an overall assessment of the arboricultural impacts.

Overall, the arboricultural impact of the proposed development is considered to be very low to negligible. This is because only items of low arboricultural importance are present on the existing site, with no category 'B' or 'A' trees identified. The majority of these are being retained, albeit with some removals back to the boundary line. The landscape proposals being formalised for this development will increase the tree stock of the site in the medium and long-term and will equate to a net gain in tree numbers and species diversity.

Biodiversity Net Gain Assessment

The proposed created and/ or enhanced habitats on-site which are due to form part of the project, and their target conditions are outlined within this report and associated drawings.

In summary, the post-development Site is predicted to have a value of 6.88 habitat and 1.85 hedgerow units. This equates to a -18.11% net loss in habitat units and a 116.22% net gain in hedgerow units respectively.

A further 2.36 habitat (area) units would be required in order to achieve a 10% net gain.

As 10% BNG for habitat area units cannot be achieved on Site. It is proposed that this would be delivered by purchasing offsetting credits, via a habitat bank, upon agreement with the Local Authority. This could be secured by a Biodiversity Gain Plan planning condition.

Overall, using on-site land, the proposed development is predicted to achieve -18.11% net loss in habitat area units, and a 116.22% gain in hedgerow units. Off-site offsetting, by purchasing of habitat credits via a habitat bank, will therefore be necessary to deliver the BNG shortfall in habitat (Area) units, which would be secured via an appropriately worded planning condition.

It is acknowledged that, in order to comply with the statutory BNG requirements, detailed management prescriptions describing how each habitat would be managed to reach target condition, as well as monitoring details, would need to be provided as part of a Habitat Management and Monitoring Plan and Biodiversity Gain Plan, post-consent.

Ecological Impact Assessment

This report provides the following:

- A description of baseline data and assessment of methodologies used;

- Summary of the baseline ecological conditions and identified important receptors;
- Identify and describe all potentially significant ecological effects associated with the development upon those receptors.
- Set out the mitigation and compensation measures required to ensure compliance with nature conservation legislation and to address any potentially significant ecological effects;
- Identify how mitigation and/ or compensation measures will be delivered;
- Provide an assessment of the significance of any residual effects to important receptors, and the legal and policy implications of the proposals; and
- Identifies ecological enhancement measures, where appropriate.

Promoting Equal and Healthy Communities

The Council's standard pro-forma has been submitted in support of the application.

Transport Assessment

The TA considers access to the site by vehicles and by alternative modes of travel. It looks to demonstrate that the development proposals are in accordance with local and national guidance documents. It also looks to demonstrate that trips from the development will have no significant residual impact on the operation of the local highway network in the vicinity of the site in line with paragraph 115 of the NPPF.

It concludes that there are numerous opportunities for sustainable travel to and from the proposed development site. It is considered that the site is well located to promote trips on foot and by cycle to local amenities. There are also options for future residents to travel by public transport. A Travel Plan has been produced to support the application that provides a number of initiatives and measures that would encourage trips by non-car modes.

Travel Plan

The following objectives have been identified for this TP:

- To minimise the number of single occupant car trips to and from the site, particularly by petrol and diesel vehicles;
- To increase awareness of the advantages and potential for travel by environmentally friendly modes of transport; and
- To encourage residents to adopt sustainable modes of travel for most of their journeys to and from the site.

The TP represents a long-term commitment to reducing reliance on the private car. All prospective residents will be made aware of the TP and the associated commitments from the outset. Through the provision of this TP,

the applicant is committed to ensuring that the measures outlined will support sustainable travel for residents at the site.

Technical Note in response to Highway comments

This note responds to all comments contained within the Highways Development Control Consultation Response where needed in turn providing the requested information and clarity. In each instance it provides the comments contained in the Highways Development Control Consultation Response followed by the response from BGH.

Flood Risk Assessment – Amended October 2025

The FRA appraises the risk of flooding to development at a site-specific scale and provides recommendations/ mitigation measures to reduce the impact of flooding to both the site and the surrounding area.

The document also identifies relevant planning policies (both national and local) and concludes with recommendations for the design work to ensure that planning policy requirements are met.

The site falls within Flood Zone 1.

The following precautionary mitigation measures are recommended:

- External levels should be designed with falls to direct overland flows away from the building entrances where possible, so that any flooding remains in less vulnerable areas such as landscaped areas, parking / driveways, or accesses and roads, where the consequences of surface water flooding would be less significant.
- All exceedance flows beyond those for which the drainage system is designed will be directed through the site, away from buildings and other sensitive areas and contained on site as reasonably practicable.
- Finished Floor Levels should be set a minimum of 150mm above external levels around the building.
- The proposed ground floors shall comprise solid concrete slabs or beam and block floors with screed construction.
- The proposed buildings should not include basements.
- Incoming electricity supplies shall be raised above lower ground floor level (after the meter) and lower ground floor electric sockets shall be served by loops from upper levels.
- A sustainable surface water drainage system, including source control measures, shall be provided to manage surface water run-off from the site itself up to the 1 in 100 year plus climate change event.
- Any mitigation measures, including drainage systems, will require suitable maintenance systems to be implemented, so that the design standard is maintained over the lifetime of the development and the risk of blockage/failure is minimised.

Air Quality Assessment

The assessment includes a baseline evaluation; construction phase assessment; operational phase assessment and mitigation measures.

It concludes that following the construction dust assessment, the Proposed Development is found to be at worst 'medium risk' in relation to dust soiling effects on people and property and 'low risk' in relation to human health impacts.

Providing effective mitigation measures are implemented, residual impacts from dust emissions during the construction phase are deemed to be 'not significant'.

The operational phase development trips generated by the Proposed Development have been assessed against the indicative criteria for assessment and in line with the assessment procedure prescribed by the EPIC & IAQM guidance. Despite development trips being slightly in excess of the criteria in two locations, a review of existing monitoring datasets and LAQM commitments found that the operational phase development trips are unlikely to result in any adverse impacts. As such, road traffic impacts associated with the operation of the Proposed Development can be considered as having an 'insignificant' effect on human receptors and no further assessment is considered to be required.

Landscape Visual Impact Assessment

The LVIA sets out the methodology, including a study of the site, its context, the landscape setting, the baseline conditions and predicated effects along with mitigation measures.

The local landscape is assessed to have a medium sensitivity to change since, although it possesses some attractive individual elements, there is an element of visual incongruity in respect of the urban / rural interface. Upon completion of development on site it is therefore assessed that the level of impact on landscape character would be 'Minor-moderate' and at year 15 will 'Minor adverse' which is deemed acceptable.

Geo-technical Report Appraisal – Updated December 2024

The objectives of the appraisal are to establish the historical development of the site and surrounding area; establish the environmental setting of the site; Investigate soil and groundwater conditions; determine potential risks posed by any ground contamination; establish risks with hazardous ground gas; evaluate whether past mining could have influence on the site; provide advice on geotechnical issues and provide recommendations.

Fieldwork was undertaken from 24th October to 18th November 2022 and comprised the excavation of 28 No. trial pits and 8 No. trial trenches, and the drilling of 9 No. cable percussion boreholes, and 15 No. rotary open hole boreholes.

Comparison of finished floor levels to existing ground levels indicates that cut and fill earthworks will be required in order to give level development platforms. In general, ground levels are to be cut in the north and west of the site, by up to c. 3.5m from existing, and raised in the east of the site, by up to c. 2.4m. Within the south of the site, ground levels are to generally change by less than 1m from existing.

In order to accommodate proposed changes in site levels, retaining walls are proposed both internally to the site and at the site boundaries, up to 3.1m high. In places, there are to be slopes, with gradients of up to 1v:2h, both at the toe and crest of retaining walls.

There is historical coal workings present under the site, including coal seams, coal mining entries and opencast mining.

It provides details on foundations and soakaways, as well as soil and groundwater contamination, ground gas conditions and mitigation / further works required.

Technical Note – response to Coal Authority Comments

The Note provides an assessment of existing site investigation data in order to provide a response to The Coal Authority's (CA) initial comments.

Indicative Masterplan Document

The document provides a written and illustrative response to show how the remainder of the allocation could potentially be developed should the application site be developed. It shows that there would be a vehicular link into the remainder of the allocation to the south-west which could be developed for additional housing or provided as a Biodiversity Net Gain site. There is also scope for a pedestrian access into the site to the east.

Employment Market Land Review

The Employment Market and Land Review has sought to determine the likelihood for employment floorspace development on the Mansfield Road site in the context of employment land supply and strategic policy context, market attractiveness and site specific constraints.

Financial Viability Assessment

The assessment provides details on the site, planning requirements, residential market information, land values, benchmark land values and an analysis of whether the site is viable to provide the full contributions.

The assessment states this scheme is located in a good market location, however, given relatively high abnormal development costs, the scheme fails to reach a residual land value to achieve the minimum land value which would

realistically incentivise a hypothetical landowner to release the site, when assuming policy compliant s106 delivery. Our approach to benchmark land value demonstrates a BLV that is less than the demonstrable comparable residential land values, however, is considered reasonable on the basis of the site specific abnormal costs and evidenced planning precedence.

The appraisal submitted by the applicant concludes the scheme cannot viably deliver the Council's full policy requirements. A more onerous requirement or additional financial burden would further reduce the incentive to the landowner, and the development would be rendered unviable.

Mineral Safeguarding Statement

This statement has been prepared to demonstrate that the site satisfies multiple aspects of a-g of Policy CS 26 'Minerals'.

Development Plan Allocation and Policy

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

The application site is allocated for mixed use purposes. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS22 'Green Space'
CS25 'Dealing with Flood Risk'
CS26 'Minerals'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS30 'Low Carbon and Renewable energy generation'
CS32 'Infrastructure delivery and developer contributions'
CS33 'Presumption in Favour of Sustainable Development'
SP1 'Sites Allocated for Development'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP35 'Protected and Priority Species'
SP36 'Soil Resources'
SP37 'New and Improvements to Existing Green Space'

SP42 'Archaeology and Scheduled Ancient Monuments'
SP43 'Conserving and Recording the Historic Environment'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP64 'Access to Community Facilities'
SP68 'Mixed Use Area 22: Land at Aston Common, Aston'
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 Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide

South Yorkshire Residential Design Guide

Nationally Described Internal Space Standards

RMBC Adopted Supplementary Planning Documents:

- Air Quality & Emissions
- Healthy and Equal Communities
- Affordable Housing
- Developer Contributions
- Preparing a Soil Strategy
- Biodiversity Net Gain
- Transportation Assessments, Travel Plans and Parking Standards
- Trees

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 58 letters of representation have been received from local residents and the Parish Council.

The comments set out in the letters of representation objecting to the development are summarised below:

- There are no plans for additional doctors, dentists, schools or public transport improvements.
- Existing services (medical and education) are already over capacity and the development will exacerbate this.
- The development will significantly impact on Mansfield Road which already suffers from congestion.
- There are speeding issues on Mansfield Road with vehicles travelling in excess of the 40mph speed limit, the provision of the site entrance could result in further accidents occurring.
- The combined impact of this development and the one proposed adjacent would add a significant number of vehicles to the local highway network.
- The development results in the loss of green space.
- The development will adversely affect biodiversity.
- The site acts as a natural soakaway and development of the site will increase flood risk.
- There are land stability issues with clay soil causing waterlogging.
- There will be increased surface water runoff will exacerbate flooding issues.
- The village is already saturated with traffic.
- There will be disruption over a number of years from construction traffic and works.
- No public consultation before the application was submitted.
- The development will result in the loss of green space.
- There is a lack of provision for affordable housing.
- The development would constitute overdevelopment of the site.
- The development will result in the loss of Green Belt without sufficient consultation.
- There is potential for a new railway station at Chesterfield Road to mitigate the transport impacts.

The comments raised by the Parish Council are summarised below:

- The development would be on an unsustainable greenfield site.
- The development contravenes national and local planning policies requiring positive contribution and minimal impact on infrastructure.
- There is inadequate public transport to the site.
- There will be a heavy reliance on the use of car.
- There are very few services in the locality and this development will further impact on these stretched services such as GPs and Education.
- The development will impact on Mansfield Road which is heavily trafficked and the proposal will increase traffic in this area.
- The site is prone to flooding, the proposed mitigation measures are considered inadequate.

On receipt of amended plans and documents a further round of consultation involving the issuing of letters to all original neighbours and those who had registered a comment was issued giving a further 21 days to comment. 15

further letters of representation were received 7 from addresses that had previously commented and 8 from new addresses.

The issues raised in the additional letters were all the same issues as what were previously indicated and set out above apart from a comment regarding the potential for badgers to be present on site.

2 right to speak request has been received at the time of publishing the report from a local resident.

Consultations

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Public Health: No objections.

RMBC Air Quality: No objections.

RMBC Affordable Housing Officer: No objections subject to provision of affordable dwellings on site.

RMBC Land Contamination: No objections subject to conditions.

RMBC Ecology: No objections subject to conditions.

RMBC Drainage: No objections subject to conditions.

RMBC Trees: No objections.

RMBC Landscapes: No objections subject to conditions.

RMBC Environmental Health: No objections subject to conditions.

RMBC Education: The development is required to provide a contribution towards secondary education.

RMBC Green Spaces: No objections in principle subject to details of play area to be secured via condition.

RMBC Playing Pitch: A contribution of £67,203 towards playing pitches within an initial one-mile radius of the site is required.

RMBC Commercial Energy and Decarbonisation Officer: The proposed EV Charge Layout plan meets the requirements of Building Regulations 2010 Approved Document S, the National Planning Policy Framework and RMBC Supplementary Planning Document No. 12 (Air Quality and Emissions).

South Yorkshire Archaeology Service: No objections.

South Yorkshire Mayoral Combined Authority: No objections subject to s106 contribution towards bus stop improvements.

Environment Agency: Have no comments to make on the application.

Yorkshire Water: No objections subject to conditions.

Rotherham NHS: The development will put pressure on the local health centre as such and in line with adopted policy a contribution will be required towards additional consulting rooms.

The Coal Authority: No objections subject to conditions.

South Yorkshire Mining Advisory Service: No objections subject to conditions.

SY Fire and Rescue: No objections.

SY Police Designing Out Crime Officer: The development should be designed and built to Secured by Design.

Geology (Sheffield Area Geology Trust): No objections.

National Highways: 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
- Design, Scale and Appearance
- General Amenity
- Highways
- Public Rights of Way
- Air Quality
- Landscapes and Trees
- Ecology and Biodiversity

- Green Spaces
- Flood Risk and Drainage
- Affordable Housing
- Impact on Education / GPs
- Minerals
- Land Contamination and Soil Resources
- Coal Authority
- Archaeology
- Planning Obligations
- Issues raised by objectors
- Other Considerations

Principle

Policy CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Aston, Aughton and Swallownest is identified as a 'Principal Settlement', which is proposed to provide 560 new dwellings as part of the Local Plan. This application will help the Council to achieve these targets as well as assisting in achieving the Council's Housing figures, as the Council cannot currently demonstrate a 5-year supply of land for housing.

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

The site is allocated for mixed use purposes in the adopted Local Plan and at policy SP1 'Sites Allocated for Development' this particular site is referenced as MU22. The Table at SP1 indicates that the whole allocation is 10.57ha in area and has an indicative capacity of 150 dwellings and 4.65ha of employment land.

The principle of this site coming forward for development has been established through the Local Plan process as the site along with other land to the west are allocated for residential and employment development as set out in policy SP1.

Whilst concerns have been raised by local residents regarding the lack of consultation on removing this land from the Green Belt, this concern is not substantiated and holds no weight in the planning balance of this application. The Council carried out significant public consultation at the time of drafting the current local plan in the mid-2010s and an Examination in Public was held whereby an independent Planning Inspector appointed by the Secretary of State found the removal of the land from the Green Belt and its reallocation as a development site to be acceptable. Therefore, any concerns regarding development on Green Belt land in relation to this application are not relevant.

It is noted that only part of the allocation is being proposed to be developed in the information submitted with this application. The Site Development Guidelines requires: *“The preparation of a detailed masterplan incorporating suitable design measures will be required. Refer to Appendix 2 for guidance on the preparation of an appropriate masterplan.”*

It is of note that this particular mixed use area has its own specific policy within the Local Plan – SP68 ‘Mixed Use Area 22: Land at Aston Common, Aston’. Policy SP68 states:

“The development of Mixed Use Area 22, as shown on the Policies Map, for a mix of residential and employment uses will be supported in principle.

Appropriate uses are:

- a. C3 (residential)*
- b. B2 (general industry)*
- c. B1b, B1c (business)*
- d. B1a (offices) where Core Strategy Policy CS 12 'Managing Change in Rotherham's Retail and Service Centres' can be satisfied.*

Approximately 150 dwellings shall be developed, predominantly on the eastern part of the site. Not less than 4.65 hectares (gross) of land shall be developed for employment uses, close to the existing industrial estate.

A masterplan, agreed with the Local Planning Authority, for the comprehensive development of the site will be required to support any planning permission. The masterplan and any development proposals shall have regard to the site development guidelines in Chapter 5 and in particular shall provide appropriate mitigation measures to ensure there is no detrimental impact on the amenity of either residential or employment occupiers.

Having regard to the topography of the site and to the proximity and layout of the existing Mansfield Road Industrial Estate, the Council will need to be satisfied that proposals for residential and employment uses on Mixed Use Area 22 are viable, attractive to the market and deliverable.”

The explanation for the policy SP68 notes that: *“This site lies between Mansfield Road and the A57. It adjoins and wraps around the existing Mansfield Road Industrial Estate. The site offers opportunity for residential development predominantly on the eastern part of the site, with land closest to the existing industrial estate offering opportunities for further economic development.”*

It further states: *“Policy SP 68 'Mixed Use Area 22: Land at Aston Common, Aston' acknowledges the site configuration and the proximity of the existing industrial estate, providing flexibility for an innovative development scheme and ensuring that amenity considerations can be taken into account at the detailed design stage to deliver both residential and employment uses.”*

It also sets out: “Not less than 4.65 hectares (gross) shall be developed for employment uses. A range of business and industrial uses will be acceptable in principle, subject to satisfying any policy considerations regarding amenity. Offices are identified in national planning policy as main town centre uses and where offices falling within Use Class B1, form the main use of any proposed development, then a sequential and impact test will be required, as set out in Core Strategy Policy CS 12 'Managing Change in Rotherham's Retail and Service Centres' and the National Planning Policy Framework. Office development proposals will only be acceptable where they satisfy the requirements of these policies. The Council will support additional land for employment use where it can be demonstrated that the remainder of the site will deliver approximately 150 homes. Flexibility is required to ensure that an appropriate and deliverable employment scheme can be achieved taking account of the site's constraints. The Council will, however, be mindful of ensuring that all development proposals are of an appropriate density and can be demonstrated to be deliverable.”

The development of this site for residential will never be able to comply with the requirements of policy SP68 and any decision will be an “on-balance” decision having regard to all material planning considerations.

Further to the above, SP17 ‘Other Uses Within Business, and Industrial and Business Areas’, states:

“Within areas allocated for business, or industrial and business use on the Policies Map, proposals for alternative uses other than those identified as not acceptable in Policy SP 15 'Land Identified for Business Use' will be considered positively having regard to other relevant planning policies and whether the following criteria are satisfied:

- 1. it can be demonstrated that the continued use of the site for business or industrial purposes would cause unacceptable planning problems which cannot be adequately mitigated, and alternative proposals are compatible with adjacent existing and proposed land uses, and the impact on amenity can be appropriately mitigated; or*
- 2. proposals are compatible with adjacent existing and proposed land uses and any impact on amenity can be appropriately mitigated; and either*
 - a. proposals positively contribute to the range and quality of employment opportunities in the borough; or*
 - b. the site is no longer required for employment use on the basis that adequate provision of employment land would remain within the borough to meet its economic strategy and development needs (based upon an assessment of existing land supply including amount, type, quality and use of land, and current and future demand), or, the site is no longer viable for employment use as demonstrated by:*

- i. *having been marketed for at least 12 months, including both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and*
- ii. *opportunities to re-let premises having been fully explored; and*
- iii. *the premises / site having been marketed for sale or to let (as appropriate), at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals); and*
- iv. *the terms and conditions set out in the lease being reasonable and attractive to potential businesses, and that no reasonable offer has been refused.*

The information to be submitted by applicants to satisfy criterion 2b and the steps taken to assemble that information will be assessed on a case by case basis.”

The applicant has submitted an Employment Market and Land Review to determine the likelihood for employment floorspace development on the Mansfield Road site in the context of employment land supply and strategic policy context, market attractiveness and site specific constraints.

Strategic Policy Context

Planning policy at the national, sub-regional and local level is supportive of development that encourages economic and housing growth. The NPPF is clear that *“Where the Local Planning Authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan... applications for alternative uses should be supported where the proposed use would contribute to meeting an unmet need for development within the area”* (Para 127).

In particular, local authorities should support proposals to use employment land for homes in areas of high housing demand such as Aston, provided this would not undermine key economic sectors or sites. Residential development at the Mansfield Road site could play an important contributory role.

At the local level, Rotherham’s adopted Core Strategy sets out an employment land requirement of 235 hectares (230 hectares for industrial development and 5 hectares for office development) across the Borough for the plan period (2013-2028). The Local Plan: Sites and Policies Document (2018) allocates 263.89 hectares of employment land – more than sufficient to meet this requirement.

The subject site falls within a mixed use allocation (Policy SP68: Mixed Use 22: Land at Aston Common) which will contribute 150 dwellings and at least 4.65 hectares (gross) of employment land for industrial and business use

towards the Core Strategy requirement. Policy SP68 notes that given site topography and surrounding uses, *“the Council will need to be satisfied that proposals for residential and employment uses on Mixed Use Area 22 are viable, attractive to the market and deliverable.”* The specific Site Development Guidelines further recognises the topography of the site may constrain its future development.

Policy SP17 of the Local Plan states that *“proposals for alternative uses will be considered positively”* if it can be demonstrated that the site is EITHER no longer required for employment use through an assessment of existing land supply including amount, type, quality and use of land, and current and future demand, OR if the site is no longer viable for employment use owing to a demonstrable lack of market demand.

Employment Land Assessment

When considering the loss of employment land, the first of the Policy SP17 tests requires an adequate provision of employment land to remain within the borough to meet its economic strategy and development needs based upon an assessment of existing land supply including amount, type, quality and use of land, and current and future demand.

The Rotherham Local Plan: Sites and Policies Document (2018) allocates a considerable uplift of employment land (28.89 hectares or 12%) above the required provision set out in the Core Strategy. Sheffield City Region’s Joint Strategic Employment Land Appraisal (May 2020) confirmed this position in its conclusion that there is a 29 hectare surplus of employment land in Rotherham (to 2031), for which there could be scope to accommodate business needs of the wider City Region

The latest Five Year Review of the Sites and Policies Document (2023) determines 68 hectares of employment land has been developed over the plan period to date, meaning 194 hectares, equating to 83% of the Core Strategy requirement or nearly three quarters (73.5%) of the Borough’s total employment land allocation remains available.

Take up equates to 6.8 hectares per annum, which when applied to the remaining employment land allocation, would suggest a 28.5 year supply – enough to satisfy local need until 2051. Alternatively, a highly unachievable rate of 38.8 hectares of employment land would need to be developed every year for the remainder of the plan period (5 years) to utilise the remaining land supply. The review concludes therefore that there remains a sufficient supply of employment land and no need to change or update the Core Strategy, nor to allocate additional land.

The spatial distribution of employment land, as well as the quantum, is an important consideration to ensure sufficient locational choice across the Borough and to take into account anticipated areas of housing and economic growth. The Core Strategy sets out the spatial distribution of the employment land requirement by each settlement hierarchy. 19 hectares of employment

land (8% of the borough requirement) is assigned to the Principal Settlement of Aston, Aughton and Swallownest within which the Mansfield Road site is situated.

As such, there is considerable, more attractive and easily deliverable land supply available, closer or adjacent to larger existing industrial areas, meaning that the loss of the Mansfield Road site from the employment allocation will have limited impact on local supply.

Market Attractiveness and Viability

The analysis makes a clear case that more than sufficient employment land remains within Rotherham to meet anticipated economic and development needs, thus meeting the policy requirement to support a change of use. Whilst therefore not required to satisfy SP17, additional weight to the planning justification for the loss of employment land at the Mansfield Road site is evidenced through a consideration of market attractiveness and viability.

A challenging economic environment over recent years in terms of inflation, increased interest rates and the cost of living crisis continue to impact upon all businesses and therefore each sector of the property market. In the industrial market, the development pipeline has slowed considerably as a result, despite sustained demand for high quality space. There have also been changes to the NPPF, including increased housing targets and the introduction of grey belt sites.

In Rotherham, the primary demand drivers will be locational and site specific in nature. Established industrial areas with good connectivity to the major urban centres of Sheffield and Rotherham, and with close proximity to the national strategy road network via the M1 and M18, and A57, will have the greatest attractiveness to industrial occupiers, providing easier access to markets, supply chains and labour. For occupiers, existing available built space will be preferable for most not requiring bespoke space, whilst for developers, sites of scale, level topography and sound ground conditions, sufficient energy capacity, easy immediate access and a lack of potentially conflicting surrounding uses, will be of most attractiveness, increasing the chances of a viable and deliverable scheme.

There are a number of established industrial clusters within the Aston, Aughton and Swallownest settlement within which the Mansfield Road site is situated. The site is also close to the border of Sheffield (2 miles west), where additional supply of employment space is available.

Network Space, the long term landowners of the Mansfield Road site, have tried to deliver industrial development at the subject site for many years having made the case to secure a mixed use allocation for the site through the local planning policy process from its previous agricultural land use. They are actively marketing the site for development and have engaged the market of the opportunity through their other local schemes. No pricing is given as they are open to all reasonable options (sale, let, D&B) and offers. However,

very limited market interest has been received and no offers made by either prospective occupiers or developers.

The availability and spatial distribution of employment land does not take into account site specific constraints impacting upon the market attractiveness and/or viable delivery of sites for industrial use.

At Mansfield Road, the steeply sloping topography of the site restricts the ability to accommodate industrial scale footprints, requiring costly ground works and reducing the net developable area and therefore returns. Further, historic ground conditions in respect of opencast mining adds significant additional abnormal costs to development.

The impact of these site specific constraints on viability is demonstrated via a development appraisal which identifies that industrial development would result in a loss of £4.17 million. Sensitivity analysis demonstrates that even with a tighter yield (5%) and no void period, the development would still make a loss of £1.4 million. The importance of viability is recognised within both the NPPF and Rotherham's strategic planning policy context.

Industrial development is the core competency of the landowner Network Space. They have been able to successfully deliver a significant volume of speculative development in the locality over recent years. However, achievable rental levels are unlikely to ever be sufficient to cover the high costs of rectifying the site specific constraints, and as such the site is unlikely to be viable for employment development for the foreseeable future.

Planning policy is supportive of proposals for alternative use where the proposed use can be demonstrated not to be viable or deliverable, where there is evidenced marketing and a lack of demand and the proposed use is appropriate to surrounding uses. For residential development, lower costs associated with topographical constraints and ground conditions owing to smaller footprints; coupled with higher achievable end values could cover the costs of development to support a viable scheme. As such, the proposal for residential development at the Mansfield Road site is considered acceptable given the constraints of the site for bringing it forward for employment development, as set out above and the alternative proposal of residential will contribute towards Rotherham's housing targets and would bring social and economic benefits to the community by bringing a site into use that currently has no economic value to the local community.

Due to changes to the NPPF in December 2024 the Council can no longer demonstrate a Five-Year Land Supply for housing. In these circumstances, this Council will need to support windfall planning applications on land allocated or designated for other uses within urban areas as the "tilted balance" of paragraph 11 of the NPPF is now engaged.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means "*where there*

are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸...

Footnote 8 of the Framework states: *“This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites...”*

Therefore, in light of paragraph 11 and footnote 8 the principle of bringing the site forward for residential due to the Council's lack of a five-year housing supply is acceptable.

In summary, whilst residential development on this part of the allocation would not be able to comply with policy SP68, it is considered that due to the evidence in the Employment Land Assessment, the provision of housing on this site, coupled with new housing figures (i.e. the lack of a five-year housing land supply) is considered acceptable in the “tilted balance” subject to other material considerations.

Viability

Whilst the principle of development is considered to be established for the reasons previously set out, the applicant's have challenged viability of developing this site. They have argued in an ‘open-book’ appraisal as required by policy CS7 ‘Housing Mix and Affordability’ that the scheme cannot be brought forward as a fully policy compliant scheme i.e. they cannot provide the full compliment of affordable housing provision (25%) and all s106 monetary contributions required towards education, GP practices, playing pitch improvements, sustainable transport promotion, bus stop improvements and bus service improvements.

The applicant's viability appraisal has been independently assessed as required by policy CS7 and adopted SPD ‘Development Viability’.

The independent assessor has confirmed that the development of this site is not financially viable to provide a fully policy compliant scheme. However, it is financially viable to provide a scheme with all requested s106 monies and a reduced affordable housing contribution.

Therefore, the scheme is considered to be able to provide the following requirements:

- Affordable housing provision (9 units including 6 bungalows on a 1:2 ration and 3 x 2 bed properties)
- Education Contribution of £327,189.50 towards secondary education at Aston Academy in line with the 2025 Education s106 policy
- £104,000 towards consulting rooms at Swallownest Health Centre
- £500 per dwelling towards promotion of sustainable transport (£53,500 in total)
- £39,108 for bus stop improvements at bus stop 30970 (Mansfield Road) and 30969 (Mansfield Road).

- A contribution of £10,190.34 towards the 30-year management and monitoring of the significant on-site habitat.
- A financial contribution of up to £67,203 to support existing sports pitch provision within an initial one-mile radius of the site and as required by the Play Pitch Strategy.

These will be expanded on in later sections of the report.

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."*

There are several primary schools within Aston, Aston Lodge Primary School 0.5km to the northwest, Aston Hall Junior and Infant School around 1km to the northeast and Aston All Saints C of E Primary School 1km to the northwest of the Site. The nearest secondary school is around 2km to the west of the Site, within the adjacent settlement of Swallownest.

Within the wider area there are several health centres and a convenience store and post office on Lodge Lane. There are two larger supermarkets in Swallownest, just over 1km from the Site.

Several bus stops are located along Mansfield Road, with the closest located around 80m to the east of the Site access. The bus stop is served by service 21, offering an hourly service towards Rotherham, service 26a which provides a service to Crystal Peaks shopping centre several times a day, and service X5 which operates a twice hourly service towards Sheffield Interchange.

In addition, to the above the Rotherham Clinical Commissioning Group (NHS) have requested a financial contribution towards improvements by way of additional consulting rooms at Swallownest Health Centre. This will be explored further later in the report.

Overall, the settlement is considered to be a sustainable location for development, with access to local services and amenities by means other than private vehicle and therefore complies with the requirements of policy SP64.

Housing Mix

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

Of the 107 proposed dwellings, 27 will have 2 bedrooms (25.23%), 51 will have 3 bedrooms (47.66%) and 29 will have 4 bedrooms (27.10%) and whilst the majority will be two-storey there will be 12 bungalows within the development and there will be a mix of detached and semi-detached dwellings. It is considered that the mix of dwellings proposed is acceptable and the provision of affordable housing is welcome.

With regard to comments raised by local residents that the development would be overdevelopment out of character with the village setting, it is noted that the density would be approximately 27.7 dwellings per hectare which is acceptable and falls within a low-density development. Furthermore, due to recent housing developments within the immediate local area, this part of Aston does not have a village character. Moreover, concerns have been raised that there is a lack of clear provision for affordable housing or accessible homes; the information submitted by the applicant is clearly that the scheme will provide affordable housing and there will be bungalows provided as part of the development, as such these comments are unsubstantiated.

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 Council's Public Health section has raised no objections to the scheme overall. They have raised some points in respect of access to play provision and cycle routes.

With regard to access to play provision this will be considered later in the report and colleagues in the Council's Green Spaces department have commented on this matter.

With regard to cycle routes, the estate would be designed to 20mph speed limit and there will be areas of shared surfaces. There is an access through the site into the proposed development to the east and an access onto Mansfield Road, where cyclists can access the wider urban space and nearby country park.

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.

The NPPF at paragraph 131 states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

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

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

The development has also been designed to allow potential future access to the land to the south-west corner which forms part of the wider allocation, as well a potential future pedestrian / cycle link into the site to the east, which also forms part of the wider allocation, should that come forward for development. In addition, there will be areas of public open space throughout the site as well as areas of play which will be for the local community, not just residents of the development site and a sustainable urban drainage system.

With regard to the design of the dwellings, these are the housebuilders standard house types that are considered to be acceptable, in respect of their size, scale, form, design and appearance. All dwellings have uniformed features in respect of heads and sills that would run through the scheme.

There will also be some detached garages sited throughout the scheme which will be of similar designs.

The design of the property at plot 82 is welcome, as it has its principle elevation in the side fronting Mansfield Road, which will provide some visual interest along the frontage instead of a blank elevation.

All the dwellings have adequate amenity space that either meet or exceed the minimum garden sizes set out in the South Yorkshire Residential Design Guide (50sq.m for 2 bed properties and 60sq.m for 3 or more bed properties). Furthermore, internal space standards exceed the national internal room standards and those set out in the South Yorkshire Residential Design Guide.

The mix of dwelling types is also, on balance, considered acceptable with affordable units providing a good mixed community.

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

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

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

Whilst the electricity substation to the front of the site adjacent Mansfield Road would be utilitarian in appearance due to its functionality, it will be screened by a timber fence that should help it blend in with the remainder of the site and not significantly detract from the streetscene.

The landscape buffer to the Mansfield Road which will be set behind a low post and rail fence will allow for an attractive entrance feature to the site.

Having regard to all of the above, it is considered that the layout and design of the proposed development offer an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and would not have an adverse impact on the character of the immediate surrounding area from a visual design aspect. In addition, the proposed materials would be sympathetic to the area which has a mix palette of materials. Moreover, the dwellings and garages in terms of size, scale, form and design would be standard house types and designs used by the developer on other similar sites and in general would be acceptable. As such the proposal would comply with the aforementioned policies.

In addition to the above, 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.

SP55 'Design Principles' states 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."*

In assessing the impact of the proposed development on the amenity of neighbouring residents, there will be regard to the inter-house spacing standards set out in the South Yorkshire Residential Design Guide which states there should be at least 21 metres between elevations with habitable room windows, 12 metres between a principle elevation and an elevation of another property with no habitable room windows and no habitable room window should be within 10 metres of a boundary with a neighbouring property. These distance together with the 45 degrees horizontal and 25 degree vertical sight lines ensure that proposed dwellings will not impact on existing residents in respect of being overbearing, affect outlook, cause overlooking or result in overshadowing of habitable rooms and private gardens.

In this instance there are no existing residential properties affected by the development. However, there could potentially be further dwellings on the land to the east. The layout plan submitted shows the relationship between those properties to the east of this application site and west of the neighbouring site. It shows that given the length of gardens that a minimum of 21m between rear elevations, in line with the guidance referred to above, can be achieved.

Furthermore, there will be a minimum of 21m between elevations of the proposed properties with habitable room windows, each property would ensure there is a minimum of 10m between an elevation with a habitable room window and a boundary with another property. In addition, whilst there were issues with some properties not achieving the 25 degree vertical horizontal sight lines, whereby the sight line did not clear the ridge of neighbouring properties; these properties have been amended to have a hipped-roof and this has ensured that the 25 vertical sight line now clears the ridge of those properties.

Accordingly, for the reasons set out above the proposed development will not have an adverse impact on the amenity of future residents, as the site and layout have been designed to ensure there is no overlooking or overshadowing issues and they would not appear oppressive, while providing an appropriate level of living standards.

Therefore, it is judged that the scheme fully complies with the guidance and policies referred to above and raise no residential amenity issues.

General Amenity

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

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

The Agent of Change principle has been defined in recent revisions of the NPPF to explain that new development should not result in unreasonable restrictions being placed on existing and established businesses. The onus for mitigation for any new development has been required to lie with the developer, rather than the business.

The Site bounded by transportation sources including the A618 Mansfield Road to the northeast and the A57 to the southwest.

Commercial premises have been noted to the northwest as including those accessed off Mansfield Road and Brookside Road. These commercial operations have been noted at an elevated land height in comparison to the proposed development land.

The closest commercial operation associated of Junction 21 Secure Parking, has been understood for overnight parking and refuelling of commercial vehicles. A concrete batching plant has been noted further west, as associated with Bear Concrete Limited and understood to operate between 06:00 – 20:00 during weekdays and weekend.

A Noise Impact Assessment has been submitted in support of the application.

The Noise Impact Assessment has been carried using the methodology as contained within the Department of Transport's Memorandum on the Calculation of Road Traffic Noise (CRTN) and BS4142:2014+A1:2019. Internal ambient noise levels and noise in external amenity areas have been assessed in accordance with BS8233:2014 and the Acoustics Overheating and Ventilation Guide (AVO) has been considered where necessary to protect future occupiers from overheating conditions.

The Noise Impact Assessment concludes that internal ambient noise levels and noise levels in external amenity areas can be achieved provided appropriate glazing, ventilation and acoustic boundary fencing/walls are provided.

In light of the above and subject to conditions, the impact on future residents from nearby noise generators (the roads and commercial uses) can be suitably mitigated to ensure new residents are not adversely impacted in terms of their amenity from neighbouring noise sources.

In relation to the proposed construction works there is the potential for disturbance to nearby sensitive receptors due to noise, dust and accumulations of mud on the highway.

A pre-commencement condition requiring the submission of a Construction Environment Management Plan prior to any works commencing shall be appended to any approval.

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 account of 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.

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.

As part of the application a Transport Assessment (TA) has been received and assessed along with details of the access, road layout within the site and parking standards.

Trip Generation

The TA uses the following number of vehicle trips derived from trip rates established by TRICS, which has been used to assess the total vehicle trip generation of the proposed development.

	Morning Peak Hour			Evening Peak Hour		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Proposed Number of Dwellings (111)						
Trip Rates	0.123	0.376	0.499	0.362	0.175	0.537
Trip Generation	14	42	55	40	19	60

In order to establish the likely distribution pattern of traffic generated by the development, local travel patterns from the 2011 census journey to work data have been used.

Traffic Impact

The TA has considered the impact of the additional trips shown above on the operation of the proposed site access junction, and 2 other nearby junctions assessed to be likely to see an increase, of 30 or more trips in the peak hours.

The following assessment scenarios have been modelled as part of this TA:

- 2024 Existing: Existing traffic flows on the network.
- 2029 Base: Existing traffic flows projected to a future year of 2029 with committed development added.
- 2029 Predicted: The 2029 base traffic flows plus the development related traffic flows.

Site Access Junction

Access to the site is proposed from a priority junction approximately 380m from the junction with the A57. As there is no current junction, only a predicted scenario is modelled.

Movement	Morning Peak Hour		Evening Peak Hour	
	RFC	Queue	RFC	Queue
2029 Predicted Scenario				
Proposed Site Access Left/ Right	0.13	0	0.06	0
Mansfield Road Straight On/Right	0.02	0	0.05	0

The Proposed Site Access/Mansfield Road junction is predicted to operate well within capacity with a maximum RFC of 0.13 in the AM predicted peak period. As there is a potential to serve an additional 70 dwellings from this junction an additional scenario was tested to demonstrate its capacity to deal with that additional traffic.

A618 Mansfield Road/A57 Signalised T-Junction

The operation of the A618 Mansfield Road/A57 Signalised T-junction has been assessed using an industry recognised software package. The geometric parameters used to build the traffic model have been measured using Ordnance Survey mapping. The signal specification used within the model has been provided by RMBC.

Movement	Morning Peak Hour		Evening Peak Hour	
	DoS (%)	Queue	DoS (%)	Queue
2024 Existing Scenario				
Mansfield Road	46.5	10	78.1	13
A57 West	73.2	14	78.3	14
A57 East	72.4	15	75.9	12
2029 Base Scenario				
Mansfield Road	52.0	11	81.1	14
A57 West	76.2	14	82.3	16
A57 East	76.0	18	81.1	14
2029 Predicted Scenario				
Mansfield Road	54.6	12	80.4	14
A57 West	76.3	15	83.2	17
A57 East	76.4	18	82.2	14

As the DoS remains below 90% in all scenarios the junction will continue to operate without any problems into the future, with almost no perceptible predicted increase in queue length on any arm.

A618 High Street/Worksop Road Mini Roundabout Junction

The operation of the A618 High Street/Worksop Road mini roundabout junction has been assessed using the ARCADY element of the TRL industry standard modelling software package.

The geometry parameters used to build the traffic model have been measured using Ordnance Survey mapping. The results are tabulated below:

Movement	Morning Peak Hour		Evening Peak Hour	
	RFC	Queue	RFC	Queue
2024 Existing Scenario				
A618 Mansfield Road	0.68	2	0.38	1
A618 High Street	0.39	1	0.73	3
Worksop Road	0.75	3	0.67	2
2029 Base Scenario				
A618 Mansfield Road	0.75	3	0.42	1
A618 High Street	0.41	1	0.78	4
Worksop Road	0.79	4	0.73	3
2029 Predicted Scenario				
A618 Mansfield Road	0.77	3	0.43	1
A618 High Street	0.42	1	0.80	4
Worksop Road	0.79	4	0.75	3

As the ration of flow capacity (RFC) values all remain below 0.85 in the scenario with the development in the 2029 future year it is safe to say the junction will continue to operate within capacity.

Car Parking

The proposed car parking facilities are in accordance with the Council's minimum residential car parking standards as required by SPD 'Transport Assessments, Travel Plans and Parking Standards.

Pedestrian Accessibility

The applicant has indicated in draft form on latest layout drawing, a controlled crossing facility on Mansfield Road. This facility will improve accessibility on foot to both the nearby bus stop and for accessing nearby school(s).

Pedestrian links in the area are relatively good and comprise a combination of footways alongside the carriageway and public rights of way (Aston Footpath 9b, Aston Footpath No10, Aston Bridleway 8a). The site is located 1.2km from Swallowneast centre and a wide range of facilities including a supermarket and other shops, a health centre.

Public Transport

The TA's claim that the site is accessible by public transport is accepted, however no consideration has been given to the spare capacity of the services available. On average there is a bus every 20 minutes in each direction serving Sheffield and points in between, as well as local employment opportunities towards Wales and Dinnington. Connections to central Rotherham are less frequent.

The applicant has indicated that South Yorkshire Mayoral Combined Authority (SYMCA) are satisfied that the nearby bus stops will be upgraded, this will be secured via a s106 agreement, details of which are set out later in the report. As a result of the potential controlled crossing point, there is the need to relocate the eastbound bus stop opposite the site frontage site access. This may also require footway works to provide access to the new bus stop location which the applicants agent has agreed to fund via the section278 agreement, which sits outside of the planning application.

Cycling Accessibility

There are no segregated cycle lanes nearby, though there are a wide range of facilities within a 5km catchment.

Road Safety

A number of accidents have occurred, the data shows that during a 63-month period, there have been a total of 11 PICs within the study area, with one being classified as fatal, four classed as serious and six classed as slight in severity. Based on the reports, none of the collisions were due to the road layout. Most were due to driver error; in the case of the fatality the driver was unfit due to alcohol.

A stage 1 / 2 road safety audit has been undertaken on the proposed junction arrangement with the designer's response to the issues raised accepted. A further stage 2 road safety audit will be undertaken as part of the s278 works that will be required for works in the highway.

Travel Planning

Given the public transport connectivity of the site the developer has agreed to provide a sustainable transport contribution of £500 per dwelling to be used to fund a variety of measures encouraging residents to travel sustainably, secured by a S106 legal agreement and monies should be paid prior to the first dwelling occupation in full. This will enable the measures to be implemented before residents establish travelling patterns. A travel plan has been submitted, but a condition is still required to enable enforcement.

Site Layout

The revised site layout plan conforms with the guidance from both the South Yorkshire Residential Design Guide and Manual for Streets. The site has been designed to a 20mph speed limit and the developer has confirmed that they will fund the traffic regulation order and any appropriate signage / road markings associated with it. The funding for the traffic regulation order sits outside of the planning application and therefore it is not included in the s106.

Sustainable Transport

The nearest public transport links to the application site are bus stops 30970 (Inbound - to Sheffield/Rotherham/Crystal P.) which is fitted with a 2 bay cantilever BSL shelter (see Figure 1), and 30969 (Outbound - to Dinnington, Harthill, Crystal P.) which is marked by a pole and flag. Both stops are serviced by the following routes:

- 21 Rotherham - Harthill
- 26a Crystal Peaks – Bridge Street/Thorpe Salvin
- X5 Sheffield Interchange – Dinnington Interchange

The next closest stops, which are on the same routes as above, are 35199 (Inbound) which is fitted with an abacus 3 bay full end shelter, and 30976 (Outbound) which is marked by a pole & flag. Stops 35199 and 30976 are on the frontage of an adjacent development site (RMBC ref. RB2019/1932) which is still in planning; in December 2019 South Yorkshire Passenger Transport Executive (now South Yorkshire Mayoral Combined Authority (SYMCA)) requested that the developer provides the costs via development contributions for the enhancement of stop 35199 with a R-T PID unit, and enhancement of stop 30976 with a shelter and R-T PID unit.

SYMCA's Transport Strategy (2019) sets out that improving people's quality of life can be achieved by integrating sustainable transport considerations into the design of all new development, with emphases on enabling sustainable and active travel choices, and ensuring safety and security.

As set out in SYMCA's Bus Improvement Plan (2021), a high-quality bus network can play a role in incentivising a modal shift away from private vehicles and therefore reduce car use, decrease congestion, reduce

emissions and improve air quality. Research by Transport Focus 1 suggests that the top three priorities for many people when deciding how to travel are safety, direct travel, and convenience. Bus services need to be supported by high quality infrastructure - the availability of high-quality bus shelters, seating, and passenger travel information at bus stops is key to providing a comfortable and convenient experience.

It is SYMCA’s policy to bring bus stops where possible up to modern standards; this includes installation of modern shelters and seating, installation of Real-Time Passenger Information Displays (R-T PID), as well as to seek to bring bus stop pavement works up to modern accessibility standards including tactile paving and raised kerbs, as required.

SYMCA request that the applicant provides the costs for upgrading bus stop 30970 (Mansfield Road) with a Real-Time Passenger Information Display (R-T PID), and bus stop 30969 (Mansfield Road) with a bus waiting shelter fitted with a R-T PID, as set out in the table below:

Bus Stop ID	Description of Works	Cost
30970	Supply and installation of battery-powered e-ink R-T PID	£10,054
30969	Supply and installation of solar powered BSL2 bus waiting shelter (incl. 10 years maintenance) (Estimate)	£19,000
30969	Supply and installation of battery-powered e-ink R-T PID	£10,054
Total Cost (No VAT Payable)		£39,108

These public transport enhancements are considered to be proportionate in scale to the proposed development, will relate to the proposed development, are a key part of encouraging a modal shift to sustainable modes of transport, and are required in order that the proposals are acceptable in planning terms.

Active Travel

There are five overarching design principles which are key to more people travelling by cycle or on foot: networks and routes should be Coherent; Direct; Safe; Comfortable and Attractive. Inclusive design and accessibility should run through all five of these core design principles. Designers should always aim to provide infrastructure that meets these principles and therefore caters for the broadest range of people.

The nearest schools to the development are Aston Lodge Primary School, and Aston Hall Junior & Infant School, both to the north of the proposed development and across the A618 (Mansfield Road). A crossing of the A618 to facilitate safe pedestrian, wheeling, and cycling access to essential services and facilities in Aston has been shown in draft on the submitted layout and precise details will be secured via condition.

Impact on Strategic Road Network (SRN)

The TA says that distribution has been based upon the 2011 census which shows that 23% of traffic will use M1 Junction 31. Although detailed consideration has not been given to this distribution, it is considered that more traffic could use this junction. However, using the assumptions within the TA give rise to a 13 vehicle impact during peak hours at the junction. If the higher levels of trip generation were to be exhibited and the distribution gave rise to twice the level of traffic using the junction (46%), this would still only lead to 30 two-way trip impact during peak hours and would likely not materially change the operation of the junction.

National Highways have indicated that the distribution could be between 30% and 40%. Even at the top end of this range, the development would have an impact on M1 Junction 31 of less than 30 two-way trips which is the usual point to consider the need for an assessment.

Therefore, it is not believed to cause a detrimental impact on the SRN and National Highways have raised no objections.

Conclusion

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

It is noted that a number of issues raised by local residents relate to impact on the local road network in terms of congestion, speeding and safety. However, as set out above and subject to recommended conditions, the Council's Transportation Infrastructure Service, SYMCA and National Highways have no objections to the scheme in regard to highway impact or highway safety.

Therefore, subject to conditions and securing of the s106 monies towards sustainable transport and bus stop improvements, the application would comply with relevant national and local planning policies and guidance, and this outweighs the objections received in relation to highway matters.

Public Rights of Way

There are no definitive rights of way over this land and there are no current claims with Public Rights of Way colleagues.

Air Quality

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.

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

The SPD notes that there should be a minimum of 1 charging point per dwelling and 1 charging point per parking space for flats (including changes of use to dwellings).

No details of EV charging have been submitted with the application as such the information will be secured via condition.

Furthermore, an Air Quality Assessment was submitted in support of this application. In terms of the Local Air Quality Management pollutants, it was concluded that there would be no significant adverse impact on ambient air quality resulting from the operational phase. The Council's Air Quality Officer has confirmed that they agree with the outcome of the report and as such have raised no objections.

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..."*

The Site Development Guidelines in respect of landscape matters state:

- A Landscape Assessment will be needed to assess and manage the impact of potential new development on the wider open countryside and on natural landscape features such as trees and hedgerows. The contours of the site require sensitive design and master planning - as the site falls significantly across the site from north to south; and this may constrain its potential future development. Significant landscaping of exposed boundaries will be required to ensure the development integrates within its wider landscape setting.

- Development proposals shall provide a strong structural landscape framework within which development will sit. Existing vegetation, including hedgerows and boundary vegetation, should be retained and enhanced, unless agreed in writing with the Local Planning Authority, and linkages to Green Infrastructure corridors explored. The appropriate long term management and maintenance of any existing or newly created Green Infrastructure assets within the development will need to be explored and funded.
- Careful consideration will be given to ensuring that development proposals incorporate appropriate buffering between residential uses and any new or existing employment uses, and any other appropriate mitigation measures to ensure no detrimental impact on the amenity of either residential or employment occupiers. Approaches in design mitigation could include landscaping and the sensitive location of B1 business use development to act as a buffer between residential uses and more general industrial uses. The Council will consider the use of appropriate planning conditions to ensure the amenity of both residential and employment occupiers. The Council will need to be satisfied that proposals are deliverable.

The site comprises one open field which has previously been in agricultural use.

The site is bounded to the north by the A618 Mansfield Road, beyond which residential properties within Aston are located. To the south the site abuts the A57. Further south, the Rother Valley Country Park is situated with various public footpaths that cross the area. To the east the site abuts another agricultural field, which lies within the same allocation.

The site is not within the Green Infrastructure Corridor, there are no Public Rights of Way (PROW) running through the site, but it is visible from several in the surrounding area. It has been allocated as CME1 Coal Measures Ecoscape, a Shallow Coal Fire and Brick Clay Mineral Safeguarding Area, and as an area with Opportunity to Improve (Extract from South Yorkshire Green Infrastructure Strategy: AI02). The site is within Landscape Character Area LCA 5b, Coalfield Tributary Valleys Treeton, which has a Moderate Landscape Character Area Sensitivity.

The site has been previously used for agriculture and is predominantly an open grass field. There are existing hedgerows to the northern boundary, mixed scrub along the western boundary and trees and hedges to the southern boundary. Good existing screening to the northeastern edge of the site forms a distinctive boundary/feature. The site falls steeply from North/Northeast to south/southwest. There are telecoms poles in the centre of the site.

Landscape and visual appraisal.

The applicant has undertaken a Landscape and visual appraisal of the likely potential effects of this development. The methodology used is considered appropriate they state *“3.3.1 Guidance for the undertaking of this LVIA has been sourced primarily from: The Guidelines for Landscape and Visual Impact Assessment (third edition), published 2013 by the Landscape Institute and Institute of Environmental Management and Assessment”*.

The council was not consulted on the scope of study or the viewpoint selection, although both are informed by a Zone of Theoretical Visibility study (ZTV) and are considered acceptable and are in line with the scale of the development. The landscape appraisal identified 25 individual receptors that could potentially be subjected to some for visual impact from the development site.

The LVIA report concludes that the 25 individual receptors (majority being dwellings) would have a *“‘Substantial’ level of visual impact during construction phase”* and that *“those with oblique or partially filtered views would be subject to ‘Moderate’ impact”*. It suggests that with mitigation measures these would be reduced to ‘Moderate’ and ‘Minor-moderate’.

The reports states, *“the local landscape is assessed to have a medium sensitivity”* and that *after the development it has assessed the level of impact on landscape character to be ‘Minor-moderate’ and at year 15 will ‘Minor adverse’*.

In conclusion to the LVIA report, the site will still be visible during the works and have a considerable change to the landscape. The reports suggest mitigation methods would reduce this with noticeable deterioration from the receptor points exiting views to barely perceptible at 15 years.

The application is also supported by a Landscape Masterplan that looks to mitigate the proposals by tree planting to the northern boundary and site entrance, buffer planting to the South and by the existing vegetation along Mansfield Road and A57.

As the buffer planting forms part of an important aspect of the visual landscape mitigation of the development, we would expect to see a buffer to run along the eastern boundary within the site development of mixed age/size.

To the west we would expect to see buffer planting within the site boundary between the new development and the Industrial and business use site to *“ensure no detrimental impact on the amenity of either residential or employment occupiers”*. *“Significant landscaping of exposed boundaries will be required to ensure the development integrates within its wider landscape setting”*. These are items outlined in the MU22 Site development guidelines and would be expected as part of the development.

It would be appropriate to see more shrub/hedge planting to the following frontages to supplement the proposed tree planting and to form a strong structural street scene. This would provide an opportunity to enhance

biodiversity across the site - Plots 02-05, 09, 12-14, 18-20, 38, 39, 52-59, 70, 88, 91, 97. These are prominent along the main road through the estate.

Although not the main route through the development, we would expect to see planting to the frontages of 28, 43-47.

In general, the landscape masterplan and landscape details submitted are with the application are acceptable, however further information on species and amended details on hard and soft landscaping are required in order for Landscape colleagues to be fully satisfied. However, these minor changes can be dealt with via the submission of further drawings to satisfy the conditions recommended by Landscape colleagues.

Therefore, whilst there will be an initial visual impact of the development on the landscape, as there is with any form of development, overtime and subject to detailed landscape matters being satisfied through the submission of additional information to satisfy the condition. As such the proposal would satisfy the requirements set out in the policies and guidance set out above.

Trees

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

In order to facilitate the proposed development, several removals will be required. This includes the removal of T4 (a category 'C' tree). The partial removal of H1 will be needed to facilitate the vehicular entrance to the site and the related visibility splays. This hedge will also be sided back to the boundary to enable the construction of plot 111 and a new substation. G3, G5 and G6 will be subject to partial removals, removing vegetation back to the boundary line. This is necessary to enable the construction of proposed structures, allow sufficient working space and to accommodate necessary ground works. These are groups of self-set scrub and remnants of field boundary hedgerow. All of the above items have been identified as category 'C' items of low arboricultural value.

The associated Arboricultural report by 'Tree Survey Solutions' reveals that all tree removals and partial removals, of which there are 4 trees and 1 group, are all listed as category 'C'. Of the 9 trees and groups to be retained on the site, all are category 'C' and can be retained if suitable tree protection measures are put in place to protect them.

To this end, the Tree Service has no objections.

Ecology and 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."*

Supporting documents including an Ecological Impact Assessment and Biodiversity Net Gain Assessment, have been submitted in support of the application.

Breeding Birds

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

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 187 (d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design.

This should include the below:

- 12 bird boxes 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.
- 6 swift bricks integrated into the building on any elevation but ideally under shading eaves. They should be installed in groups of three, at a height above 5m and preferably with a 5m clearance between the host building and other buildings or obstructions. Swift bricks should be

used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place. Example specification includes the Manthrope 'GSWB' Swift brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box. Alternatively, RSPB Swift Box may be more suitable for the development.

- 17 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 between any fencing, railings, wall and gates to ensure the development is permeable to hedgehogs. These can be created by 13cmX13cm 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.

Biodiversity Net Gain

A Biodiversity Net Gain report and statutory biodiversity net gain metric have been submitted for the Site.

Within the submitted metric the area of land that is other neutral grassland in the metric includes the attenuation basin. Whilst it is correct that the area of land in use as the attenuation basin may be managed as other neutral grassland, the primary purpose of this area is drainage, and the main management aims of that area are for the purpose of drainage not provision of other neutral grassland habitat. If the area is to be managed as other neutral grassland this may cause future conflict with management and may impact on the ability to achieve the desired condition. Sustainable drainage achieves a lower habitat score within the metric so this will need to be resubmitted as it will cause a change in the net score of units on-site.

This will be subject to a general biodiversity gain condition to secure the biodiversity gain requirements. This condition is a pre-commencement condition; once planning permission has been submitted and approved the Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of development.

The plan is the mechanism to ensure that the biodiversity gain objective is met and in particular:

- The post development biodiversity value of the developments on-site habitat is accurate based on the approved plans and drawings for the development;
- Any off-site biodiversity gains have been registered and allocated to the development, and;
- Biodiversity credits, if they are necessary for the development, have been purchased.

Due to the size of the site and the distinctiveness of the habitats that are being created the site the development is classed as a significant gain and therefore the on-site gains must be secured and a Habitat Management and Monitoring Plan will be required. A Habitat Management and Monitoring Plan (HMMP) details what is required to manage and monitor significant on-site habitat gains. Providing and implanting a HMMP will be legally secured by a separate planning S106 planning obligation.

The HMMP will detail the establishment procedure and long term management required to reach the proposed target habitat types and conditions for all on-site 'significant' gains. Furthermore, it will outline how the habitats will be monitored. The HMMP will be implemented for at least 30 years after the completion of development and will include details regarding responsible parties for the management and monitoring.

RMBC would prefer applicants to use Natural England's Habitat Management and Monitoring Plan Template and Monitoring Report Template. The HMMP should provide sufficient information to confirm that habitats have been appropriately specified for the site's environmental conditions and that suitable management and maintenance is planned for a minimum 30 years.

Environmental information such as hydrology, climate, and soil composition will be detailed within the HMMP. This information will inform how applicants have considered relevant constraints and opportunities as part of the design process and provide justification for how developments plan to reach their habitat target condition. This is especially important for High and Very High distinctiveness habitats that require specific environmental conditions.

Currently the site is not achieving 10% net gain in habitat units on-site and after the above amendments to the sustainable drainage have been made it is unlikely this will change. Therefore, the application will either need to purchase off-site units or as a last resort, purchase credits from Natural England.

The on-site gains in the form of a commuted sum in the region of £10,200 for the 30 year on-site monitoring of the significant on-site gains will need to be secured via a legal agreement such as a S106 but will be calculated based upon the updated metric that will be required to discharge the BGP.

In conclusion subject to the relevant conditions and signing of the s106 legal agreement, the scheme will be in compliance with the relevant national and local planning policies and guidance in respect of ecological and biodiversity net gain requirements.

It is noted that a local member of a badger society has raised concerns regarding the potential for badgers to be present on site. The submitted Ecological Appraisal report made several references to badgers. It noted in section 2.2.2 that "*A search for badger (*Meles meles*) setts and field signs within the Site and 30m radius (where accessible)*" was undertaken.

Further to the above, at section 3.3.6.2 the report stated: *“There are 11 records provided by SCC and RBRC of badger within 2km of the Site centroid dated between 1969 and 2020. Of these records, all but one record pertain to latrines and tracks. One single record refers to a dead male in 1977. The majority of records are located within Foers Wood, located 1.4km to the north of the Site. Any other records only possess a four digit grid reference. No sign of badgers was found during the ecological walkover on the 24 th July 2024. Where accessible, the land surrounding the Site within a 30m radius was also searched and no evidence of badgers was found here either. Badgers have therefore been excluded from further assessment.”*

It is of note that whilst no badgers were found during the surveying of the site, the approval of planning permission does not supersede the relevant legislation (Protection of Badgers Act 1992) which made it illegal to kill, injure or take a badger or to intentionally or recklessly interfere with a badger sett. Therefore, were badgers to be found during the construction of the site relevant safeguards would need to be implemented by the developer to ensure no badgers or their setts were disturbed etc.

In light of the above badgers have been considered and no evidence was found on the site, notwithstanding were there to be badgers or setts on site during the construction there is legislation outside of planning that ensures their protection.

Green Spaces

Core Strategy Policy CS22 ‘Green Space’ states that: *“The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham’s green spaces will be protected, managed, enhanced and created...”*

Policy CS22 refers to detailed policies in the Sites and Policies Document that will establish a standard for green space provision where new green space is required.

Policy SP37 ‘New and Improvements to Existing Green Space’ states that: *“Residential development schemes of 36 dwellings or more shall provide 55 sq. metres of green space per dwelling on site to ensure that new homes are:*

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

On-site Public Open Space

As detailed in policy SP37 above, there is a requirement that residential developments over 36 dwellings need to provide Public Open Space (POS) of more than 55sq.m per dwelling.

In this instance the plans submitted show an area of POS mainly in the south-western corner of the site and extending along some of the southern boundary, which includes the SuDS basin and a play area.

The minimum requirement for 107 dwellings is 5,885sq.m, the plans submitted with the application show the POS to be 5,888sq.m. SuDS features can contribute towards POS, where they are not “overly engineered” (i.e. shallow depth, dry most of the year have planting / landscaping and no need for high concrete walls, amongst other things); and are limited to a maximum size of 25% of the overall requirement.

In this instance the size of the basin at 947m² would only cover approximately 16% of the total POS, furthermore, the basin would have a gradient of 1:3 and be a maximum depth of 1m, which is considered result in a basin with a gentle sloping side better than the recommended 1:4 gradient. Furthermore, the maximum storage would be 947m³ and it would have a pond/wetland bed/floor, sides and embankment top shall be provided with a minimum 150mm deep layer of engineered soil (high quality topsoil with a loam or sandy texture) and surface must be firm and dry. The basin will then be seeded with Emorsgate EM8 Meadow Mixture for Wetlands Sown at 4g/m². This will give the basin a natural appearance in the landscape.

The drawings confirm the maximum basin depth of 1m. A life ring will be provided. The basin will fill with water intermittently and the depth of the water may vary over time. The proposed landscaping scheme includes a wetland meadow mix within the basin, which will provide both biodiversity and amenity value.

In light of the above the basin will not appear over-engineered and thus its surface area can be counted as part of the public open space requirement.

Accordingly, in this instance for the reasons set out above, the quantum of POS hereby proposed would meet the policy requirements and the type of POS would be acceptable for future residents of the site and the wider community to use.

On-site Play

With regard to on-site play provision, the development site is sited more than 400m from an equipped play area. The plans submitted with the application show a dedicated area within the POS for a LEAP. No details have been provided at this time in respect of the type of play equipment etc. that will be provided (this will be secured via a condition), it would be sited approximately 20m from the nearest dwelling, as required by the regulations.

Therefore, subject to a condition requiring the details of the play equipment to be submitted and approved before the first dwelling is occupied and the

equipment to be installed within an appropriate timeframe, the requirements of policy SP37 would be satisfied.

Further to the above, the s106 will set out that the developer is required to appoint a Management Company to manage and maintain all areas of the greenspace (including the LEAP) that falls outside of the curtilage of individual dwellings.

Playing Pitch

The additional population generated by the scheme will create increased demand for sports facilities. Existing provision is already under significant pressure, as identified in the Council's draft Playing Pitch Strategy (PPS), without mitigation this development would exacerbate current shortfalls. An action plan will be developed from the PPS, to identify needs and priority sites within each area. Once the PPS is approved by cabinet, the action plan will provide further detail on specific requirements and contribution needed.

In this instance it has been calculated using the Sport England calculator that a financial contribution of up to £67,203 is required to support existing sports provision and mitigate the impacts of this development. This will be secured via the s106 and will be used on sports facilities within 1-mile radius of the site initially but can be used outside that radius as set out in the PPS.

It is noted that residents have raised the issue of the loss of green space as a result of building on this site. Whilst noted, the land in question does not currently perform any green space function whether formal or informal. There is no public rights of way over the site and therefore people accessing the land for walking are doing so without the authorisation of the land owner. The current scheme provides areas of informal recreation space by way of the public open space to the south of the site and also more recreation in the form of the proposed play area on site. Moreover the s106 monies set out above will help improve formal play provision / playing pitches in the area, all to the betterment of local residents by providing better facilities than currently in place.

Flood Risk and Drainage

Policy CS25 'Dealing with Flood Risk' states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. Furthermore, policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 172 and 177 of the NPPF.

The site is located within a Flood Zone 1

The Council's Drainage Engineers have assessed the contents of the Flood Risk Assessment submitted with the application as the site area exceeds 1ha and also the design of the drainage / attenuation basin proposed in the south-western corner of the site.

The basin would have a bank depth of approximately 1m and provide storage up to 947m³. The surface water attenuation pond/wetland bed/floor, sides and embankment top shall be provided with a minimum 150mm deep layer of engineered soil (high quality topsoil with a loam or sandy texture) and surface must be firm and dry. The basin will then be seeded with Emorsgate EM8 Meadow Mixture for Wetlands Sown at 4g/m². This will give the basin a natural appearance in the landscape.

Concerns have been raised by residents regarding drainage and flood risk to neighbouring properties, in particular on Wetherby Drive and the impact of building on this land will have by removing the soakaway opportunity and increasing the flood risk to existing properties.

The Council's Drainage Engineers have stated that the new development is to the south-east of the existing industrial estate off Mansfield Road, almost 500m away from the properties on Wetherby Drive. There is a raised area between the two sites and a large field, therefore they have different catchment areas.

The new Development will have an attenuation pond and controlled outfall to the existing surface water sewer and will be designed to current standards.

Therefore, there should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required to be drained areas to existing sewers / watercourses, to be increased.

Accordingly, the Council's Drainage Engineers have confirmed that the contents of the FRA are acceptable, and the development of this site would not have an adverse effect on flooding of neighbouring sites or on future occupants of the proposed development. Furthermore, they are satisfied that the drainage / attenuation basin details along with the wider drainage details are acceptable and subject to being constructed in according with the submitted details the site will be able to be suitable drained.

Further to the above, Yorkshire Water have confirmed that a water supply can be provided under the terms of the Water Industry Act, 1991 and that they have no objections to the development subject to conditions to ensure there are separate systems of drainage on-site and off-site.

Therefore, it is concluded that despite the concerns raised by local residents both the Council's Drainage Section and Yorkshire Water raise no objections

to the development of this site subject to conditions and thus the development can be carried out in compliance with the policies and guidance referred to above.

It is noted that residents have indicated that the land currently acts a natural soakaway and the development will result in increased surface water runoff that will increase flooding issues. Whilst noted, these comments are not substantiated by either Yorkshire Water or the Council's Drainage section who both have raised no objections to the site being developed or raised concerns that the development will increase surface water flooding of neighbouring sites. As such the issues raised do not outweigh the lack of objection from the relevant drainage consultees.

Affordable Housing

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

- a) *Sites of 10 dwellings or more shall provide 25% affordable homes on site...*"

In respect of the 107 dwellings hereby proposed the number of affordable dwellings should be 27 units.

The applicant is proposing to provide bungalows on site on a 2 for 1 ratio which has been agreed with the Council's Affordable Housing Officer.

However, as set out above the development has been independently assessed as not being viable to provide a fully affordable scheme along with all the required monetary contributions. As such a lower level of affordable housing has been agreed to allow for the full monetary contributions to be paid towards improvements to bus services / facilities, promotion of sustainable transport methods, improvements to playing pitches, improvements to local secondary education facilities and local GP practice.

The affordable housing provision that the scheme will provide via the legal agreement is:

- 6no. type "254 May" 2-bedroom bungalows which are being accepted on a 2 for one basis – thus equating to 12 units; and
- 3no. type "252 Kentmere" 2-bedroom houses

The proposed tenure mix would be:

- 5no. 2 bedroom "254 May" bungalows for affordable rent
- 1no. 2 bedroom "254 May" bungalows for shared ownership
- 3no. 2 bedroom "252 Kentmere" houses for shared ownership

Impact on Education / GPs

Education

An education contribution is required for Secondary/SEND education, as per our S106 policy, given the local Secondary School, Aston Academy.

The policy set out in the Educations Contributions policy document (2025) for secondary education stipulates the following:

The contribution would be worked out based on the number and type of dwellings of the final design at reserved matters in line with the adopted Education Contribution Policy (2025).

The policy states that: *“The pupil yield taken from the DfE Dashboard is 0.13 pupils per dwelling.*

The 2019/20 DfE cost figure for a pupil place was £27,679 with a location factor of 0.87 giving a cost of $£27,679 \times 0.87 = £24,081$ per pupil place.

The pupil yield from a single dwelling multiplied by the cost of a place gives the requested contribution which is $0.13 \times £24,081 = £3,131$.”

Therefore, the contribution for a three bed house would be £3,131 per dwelling. Flats, apartments or bungalows receive a 50% discount on the contribution requested; Houses with 4 or more bedrooms will receive a 25% increase on the contribution for 3 bedroom houses and 2 bedroom houses will receive a 25% decrease.

Therefore, the contribution would be:

£3,131 per 3 bed dwelling
£1,565 per flat, apartment / bungalow
£3,913.75 per 4 bed dwelling
£2,348.25 per 2 bed dwelling

For this development it equates to the following:

12 x £1,565 per bungalow = £18,786
15 x £2,348.25 per 2 bed dwelling = £35,223.75
51 x £3,131 per 3 bed dwelling = £159,681
29 x £3,913.75 per 4 bed dwelling = £113,498.75

A total education contribution of £327,189.50 will be secured via the s106 towards secondary / send education needs at Aston Academy. The triggers for the payments will be based on a suitable split spread out over the life of the development.

GPs / NHS

With regard to the impact of the proposed development on local NHS services in particular GP practices, Rotherham NHS CCG have indicated that based on census data 2021, a household averages 2.37 patients per dwelling. This housing development will result in a minimum population increase of 253.59 patients

Housing developments have known to put additional pressure on healthcare infrastructure and their requirements based in Primary, Community and Secondary Care facilities.

To ensure that the health and well-being of the local community is protected, S106 funding is essential to help mitigate/support the needs arising from an increase in population and is used towards increasing access to these services.

The Swallownest Health Centre would be impacted by this development.

GP Practices are contracted to provide healthcare provision for its registered patients. A Practice is not able to refuse registration of new patients unless they have gone through a rigorous process and have been given approval to have a 'closed list'. Such cases are very rare and South Yorkshire ICB currently have zero practices with closed lists.

Any increase in patient registrations at a practice impacts a GPs clinical capacity and adds to their need of increasing that capacity.

Rotherham NHS CCG are requesting S106 healthcare contributions to support that increase and improve primary care services for the area.

Due to the length of time applications can take to reach formal approval, and S106 funds agreed and secured, SY ICB will agree at that point as to where the funding is best placed. The Primary Care Team welcome early engagement with the council to ensure the S106 agreement contains the right level of detail.

To expand GP facilities to meet the population increase a contribution of £104,000 has been requested to be paid in full prior to the first occupation of the development and will be used towards consulting rooms at Swallownest Health Centre.

The above contribution would be secured via the s106 legal agreement.

It is acknowledged that a number of local residents have raised concerns about the impact on this and other development on local amenities such as doctors, schools, dental practices and public transport, with residents indicating they believe the existing services to be over capacity and no proposals for improvements.

However, as specified above the developer will provide financial contributions towards increased education at Aston Academy and increased consulting

rooms at Swallownest Health Centre to help mitigate the impact of this development on local amenities. Furthermore, contributions will be required as set out in the highways section of this report towards public transport improvements. Therefore, the development hereby proposed would help assist in providing better amenities in respect of education and health care provision within this area, not only for the future occupants of this development but existing residents who use these facilities.

Minerals

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

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

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

Land Contamination and Soil Resources

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..."*

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

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any water course or ground water;*
- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;*
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;*
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”*

Historically, both underground and unrecorded shallow coal mining have been undertaken at the site. The site also lies within the boundaries of a wider site from which coal has been extracted by opencast methods. Three off-site recorded mine entries are located to the west of the site, with their associated potential zones of influence extending onto the application site.

It is therefore considered likely that the site is underlain by significant infilled ground associated with the backfill opencast operations undertaken between the 1940's and the 1950s.

For this reason, intrusive site investigations were undertaken in October and November 2022 to determine both the geotechnical and geo-environmental ground conditions across the site, to assess if any significant soil and groundwater contamination associated with the past historical uses of the site could impact on the proposed redevelopment of the site.

The site investigation works comprised the excavation of 28 trial pits, 8 x trial trenches and the installation of 9 x cable percussive boreholes and 15 x rotary boreholes down to a maximum depth of 40.0mbgl. 17 no. combined groundwater / gas monitoring wells were installed in all cable percussion boreholes and 8 selected rotary boreholes. 13 no. soil samples were collected to assess for potentially site wide contamination and were submitted to an accredited laboratory for chemical testing. One sample of groundwater from borehole BH04 was submitted to assess for potential contamination of perched ground water. All other wells on site were found to have insufficient volume.

Deep made ground was encountered in all exploratory boreholes down to a maximum depth of 17.0m and was generally found to comprise sandy very gravelly clays.

Made ground is anticipated to be potentially variable in both composition and thickness across the site and this should be taken into consideration when considering foundation design.

Soil samples were analysed for contaminants associated with coal mining activities. No heavy metals, petroleum hydrocarbons, polyaromatic hydrocarbons contamination were found to be present above generic assessment criteria for a residential end use. No asbestos containing materials were identified within the samples analysed. Laboratory analysis and risk assessment has determined that the risk from existing soil contamination to human health is low, with no remedial measures being required in this respect. The existing topsoil on site appears chemically suitable for re-use within private gardens and landscaped areas.

Recorded concentrations of some metals (cadmium, copper, nickel and zinc) within the perched groundwater, marginally exceeded the generic assessment screening values. Given the marginal exceedance of metals and the apparent lack of a controlled groundwater receptor, the impact to controlled waters is considered to be low and therefore no remedial measures are required.

Gas monitoring was undertaken on nine occasions over a 26-week time period. Methane gas was not detected in any borehole on any monitoring visit. Carbon dioxide was detected in all boreholes, with a maximum concentration of 99.2% in borehole BH04. High carbon dioxide concentrations were also recorded in boreholes BH08 and BH09 on the same visit (54.3% and 52.9%, respectively). Peak gas flow rates were recorded in a minority of boreholes (six), on at least one occasion. The maximum peak borehole flow rate was 0.8 litres/hour (l/hr), recorded in BH01.

Deep made ground associated with the backfilled opencast coal mines in the southern and central parts of the site, and the abandoned underground coal mine workings that underlie the majority of the site are considered to be the main contributory sources of hazardous ground gas.

Based on the elevated carbon dioxide ground gas concentrations recorded to date, the site has been classified as falling within a gas characteristic situation 3 (CS3). Accordingly, ground gas protection measures will be required for each new dwelling on the site including detached garages. However, it is recommended that a further phase of detailed ground gas risk assessment including undertaking continuous ground gas monitoring at the site is completed, which will serve to confirm the level of mines gas risk. Further gas monitoring may enable the site to be reclassified and will fully determine the level of ground gas protection measures required across the site.

The site is located in a coal mining high risk referral area due to the presence of mining legacy instability hazards such as compressible opencast made ground, associated opencast high walls and potential shallow coal and coal mining works. There is also the potential for unrecorded mine entries and bell pits to be present within a significant proportion of the site.

The issues associated with coal mining legacies have been considered by both the Coal Authority and South Yorkshire Mining Advisory Service (SYMAS) and will be discussed in the next section of the report.

Treatment of mine workings is likely to comprise of drilling and grouting methods within a significant proportion of the site.

Elevated soluble sulphate concentrations are present across the application site which may have the potential to attack below ground concrete. An appropriate design sulphate class is required for this site.

The construction material for water supply pipes must be resistant from chemical attack of any residual contaminants remaining within the ground.

Cut and fill earthworks are likely to be required to create a development platform. Where site-won soils, or soils imported from another development site, are to be used within remediation / enabling works, and where site-won topsoil is re-used on the site of origin, it is recommended this be undertaken under a Materials Management Plan, which must be reviewed by a Qualified Person and their declaration submitted to, and accepted by, CL:AIRE before works commence. The production and declaration of an MMP for a site not affected by soil contamination (such as this site) requires a Design Statement, agreed with the Local Authority.

In conclusion despite the large volumes of made ground at the site, and the site history, the general contamination impact appears to be relatively low, with respect to heavy metals, petroleum hydrocarbons and asbestos when considering the end use for a residential development.

Mitigation measures will be required to be put in place to ensure the application site is suitable for its proposed residential end use.

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

Furthermore, adopted SPD 'Preparing a Soils Strategy' states:

"Where proposals are submitted that will impact on the quality of the soil, it is expected that a Soil Resource Survey (SRS) and a Soil Resources Plan (SRP) will be prepared to support the planning application. Conditions will be applied to a grant of planning permission to ensure the requirements of the SRP are adhered to. Such conditions will depend on the size of the site and

whether it is brownfield or greenfield. The SRS and SRP shall be prepared before site clearance, preparation or development is undertaken that may result in damage to in situ soils through compaction, contamination, excavations and vegetation removal.”

No information has been submitted with the application, as such a condition will be imposed for the above information to be submitted before any development takes place.

Coal Authority

The Coal Authority initially raised objections to the development of this site due to concerns regarding the implications posed by buried opencast highwalls to development at the site.

Additional information has been provided to overcome the previously raised concerns.

The additional information reviewed a number of previous reports prepared by others in relation to the site, along with further coal mining and geological information. The information reviewed includes the results of previous intrusive investigations carried out at the site, the most recent being contained within a Supplementary Site Investigation Letter Report.

The letter report advises that the latest investigations have provided additional information to enable a more detailed assessment of the characteristics of the site and particularly the two opencast pit features present. Report Figures show schematic and plan views of the ground/mining features. The report confirms the presence of buried highwalls within the site and acknowledges that the proposed layout would entail the construction of built development over these features.

Nevertheless, having assessed the risk posed by these features in light of documentary sources of information and the results of the ground investigations, the report author is satisfied that development in the vicinity of the highwalls can take place subject to the implementation of appropriate mitigation measures, including ground improvement and foundation solutions.

The Coal Authority note that it does not appear that any attempt has been made to revise the proposed layout of development to avoid the buried highwalls. However, it is clear that the applicant's technical advisors are satisfied that it is technically feasible to develop the site in the manner proposed, subject to suitable mitigation measures. Whilst we do not provide comment on foundation design (this will be a matter for consideration under the Building Regulations), the Coal Authority's Planning & Development Team considers that our previous concerns regarding the implications posed by past opencast mining have been adequately addressed.

The report alludes to the need to undertake grouting works to stabilise/consolidate shallow underground mine workings present beneath

parts of the site. These remedial works should be designed by competent persons and should ensure the safety and stability of the proposed development as a whole within the affected parts of the site, including buildings and external parts of the site such as roads, driveways and vehicle parking areas.

The applicant should note that Permission is required from The Coal Authority's Permitting Team before undertaking any activity, such as remedial drilling and grouting works and piling, which may disturb Coal Authority property.

Mine Gas

The Coal Authority have stated that it should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

The Coal Authority's Planning & Development Team notes the conclusions of the supplied letter report; that coal mining legacy poses a risk to the proposed development and that remedial and mitigatory measures are required in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, conditions recommended by the Coal Authority should be imposed.

In light of the above, The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of conditions.

Further to the above, SYMAS have noted that the site is located in a coal mining high risk referral area due to the presence of mining legacy instability hazards such as compressible opencast made ground, associated opencast highwalls and potential shallow coal and coal mine workings.

The applicant has submitted an updated Geotechnical appraisal. The report presents the findings of desktop and intrusive site investigations and provides detailed analysis of the coal mining legacy risks on the site. Suitable recommendations for ground remediation and foundation design mitigation are presented in consideration of the proposed site layout. The report

recommends that further investigative work is required to finalise the mining risk interpretation model and mitigation strategy.

The recommendations include:

- Static cone penetration testing (CPTs) and rotary open hole drilling in order to characterise deep made ground, and delineate buried opencast mine high walls / benches to determine the types and depths of suitable ground improvement / foundation solutions.
- Cable percussion holes to collect undisturbed samples for laboratory testing to determine the compressibility and creep coefficient of quarry backfill at various depths.
- Inundation tests at both backfilled opencasts to investigate the risk of inundation settlement.
- If piled foundations are to be considered as a foundation solution within the backfilled former Foxearth opencast, further rotary probe hole drilling is recommended in the areas of proposed buildings, to more accurately determine drill and grout requirements within mine workings in the Sough Coal seam. In addition, continuous coring within the pile influence zone is required for laboratory rock strength testing to support pile design.
- Establish monitoring points and carry out long term settlement monitoring to investigate the creep settlement where possible.
- Continuous ground gas monitoring, to confirm protection measures requirement and potentially allow ground gas risk zoning of the site.

An interpretive geotechnical and site validation report would then need to be submitted to the LPA.

Considering the above, SYMAS have recommended that a suitable condition be applied to the decision notice.

Archaeology

The Site Development Guidelines note that a Heritage Statement for Archaeology should be submitted in support of the application.

The application area encloses a parcel of land which is shown on historic mapping to have remained predominately in agricultural use since the 19th century. There is no previously recorded evidence of earlier activity within the area or its vicinity and lidar and aerial photography datasets show no evidence of cropmarks or earthworks that might indicate its presence. Evidence of prehistoric to Romano-British activity has proven to have poor visibility on the local geology within these datasets, and the absence of early activity of archaeological interest within the pre-application area cannot therefore be wholly discounted. The survival any such remains is, however, likely to be limited with opencast coal mining documented to have occurred across the southern two thirds of the site.

Based on the limited evidence for heritage assets of archaeological interest within the site, and the extent of previous impact from opencast mining, there are considered to be no archaeological concerns with the residential development of this site.

As such South Yorkshire Archaeology Service have indicated that there are no archaeological concerns with this proposal.

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 the following are to be secured via the s106 legal agreement:

- Affordable housing provision 9 units including 6 bungalows on a 1:2 ratio and 3 x 2 bed properties
- Education Contribution of £327,189.50 towards secondary education at Aston Academy - 50% of contribution to paid prior to occupation of first dwelling and 50% to paid on occupation of 50th dwelling
- £104,000 towards consulting rooms at Swallownest Health Centre – to be paid in full prior to occupation of first dwelling
- £500 per dwelling towards promotion of sustainable transport (£53,500 in total) – to be paid in full on occupation of first dwelling
- £39,108 for bus stop improvements at bus stop 30970 (Mansfield Road) and 30969 (Mansfield Road) – to be paid in full prior to occupation of first dwelling
- A contribution of £10,190.34 towards the 30-year management and monitoring of the significant on-site habitat – to be paid in full prior to occupation of first dwelling
- A financial contribution of up to £67,203 to support existing sports pitch provision within an initial one-mile radius of the site and as required by the Play Pitch Strategy – to be paid in full prior to occupation of first dwelling

- Establishment of a Management Company to manage and maintain the areas of Greenspace on site – details to be provided prior to occupation of first dwelling

Issues raised by objectors

With regard to the concerns and issues raised by local residents and the Parish Council in respect of developing this site for residential, it is considered that the majority of the material planning considerations, in respect of principle of development, amenity impact during the construction phase, highway matters, impact on local amenities and infrastructure, flooding and drainage matters have been discussed and considered within the prevailing sections of the report. It is judged that in the planning balance the comments raised do not outweigh the assessment that the development, subject to conditions and securing monies via the s106 and thus complies with the relevant national and local planning policies and guidance.

The concerns raised regarding land stability are noted but from the information provided to date there have been no objections raised from Land Contamination officers at the Council, South Yorkshire Mining Advisory Service or The Coal Authority, as such subject to conditions there are no concerns at this time regarding the stability of the site to be developed.

A concern was raised regarding the lack of public consultation before application submission. Whilst public engagement by applicant's is recommended, it is not a requirement and holds no weight in the planning judgement of this application.

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, in order to promote local labour during the construction phase and to improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities, a condition shall be included which requires the submission of a Local Labour Agreement prior to works commencing on site. The LLA will set out how the developer will look to employ local people / local firms in the construction phase.

Conclusion

Having regard to the above, it is concluded that whilst the site is allocated for mixed use purposes there is sufficient evidence provided that indicates the

site for a number of reasons would not be viable to be brought forward for commercial development due to existing nearby industrial estates which would ensure its loss would not impact on the amount of employment land available where there is currently a surplus and also the topography of the site would add significant additional costs.

Further to the above the Council cannot evidence a five-year supply of housing land and as such the “tilted balance” as set out in paragraph 11 of the Framework is engaged which shifts the presumption in favour of approval and requires adverse impacts that “significantly and demonstrably” outweigh the benefits to refuse a scheme. In this instance and as set out in the prevailing sections of the report there is considered to be no “significantly and demonstrably” impacts that outweigh the benefits of developing this site for residential which cannot be mitigated through conditions and thus this outweighs.

Therefore, in light of the above and together with the issues raised by the objectors it is considered there is no reasonable planning justification to refuse the application and subject to conditions and the signing of the s106 to secure the contributions, the application would comply with relevant national and local planning policies and guidance and is subsequently 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 and/or carried out before development can start. Conditions number 05, 08, 16 20, 23, 24, 34, 37, 38 & 39 of this permission requires matters to be approved and/or carried out 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 number 05, 08, 16 20, 23, 24, 34, 37, 38 & 39 is 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, or matters carried out.’

General

01

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

Reason

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

02

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

0002-075-NIE-XX-XX-DR-A-PL_000-P1 - Site Location Plan

0002-075-NIE-XX-XX-DR-A-PL_005-P17 - Proposed Site Layout

0002-075-NIE-XX-XX-DR-A-PL_200-P2 - 250 Plans & Elevations - Hipped Roof – Plot 89

0002-075-NIE-XX-XX-DR-A-PL_201-P2 - 252 Plans & Elevations - Hipped Roof – Plots 35 & 103 only

0002-075-NIE-XX-XX-DR-A-PL_203-P2 - 350 Plans & Elevations - Hipped Roof – Plots 17 & 86 only

0002-075-NIE-XX-XX-DR-A-PL_206-P2 - 357 Plans & Elevations - Hipped Roof – Plots 73 & 104 only

0002-075-NIE-XX-XX-DR-A-PL_210-P2 - 452 Plans & Elevations - Hipped Roof - Plots 25, 39 & 51 only

0002-075-NIE-XX-XX-DR-A-PL_210-P1 - 452 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_209-P1 - 451 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_208-P1 - 450 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_207-P1 - 360 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_206-P1 - 357 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_205-P1 - 352 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_204-P1 - 351 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_203-P1 - 350 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_202-P1 - 254 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_201-P1 - 252 Plans & Elevations

0002-075-NIE-XX-XX-DR-A-PL_200-P1 - 250 Plans & Elevations

11289-HBL-XX-XX-DR-C-5003 P04 – Levels Appraisal Sheet 1

0002-075-NIE-XX-XX-DR-A-PL_130-P7 - Proposed Boundary Treatment Plan

0002-075-NIE-XX-XX-DR-A-PL_131-P3 – Proposed Boundary Treatment Details

0002-075-NIE-XX-XX-DR-A-PL_120-P7 - Proposed EV Charge Plan

0002-075-NIE-XX-XX-DR-A-PL_110-P6 - Proposed Refuse Plan

11289-HBL-XX-XX-DR-C-5001 P04 – Drainage Appraisal sheet 1

11289-HBL-XX-XX-DR-C-5002 P04 – Drainage Appraisal sheet 2

0002-075-NIE-XX-XX-DR-A-PL_100-P6 - Proposed Materials Plan

11289-HBL-XX-XX-DR-C-5510-P01 – Proposed Basin Plan and Section

0002-075-NIE-XX-XX-DR-A-PL_401-P3 - Visibility Sections

0002-075-NIE-XX-XX-DR-A-PL_211-P1 - Substation Plan & Elevations

4100-1A-dlp1-A0-250 rev B – Landscape Plan 1 of 2

4100-2A-dlp2-A0-250 rev B – Landscape Plan 2 of 2

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

The development shall be completed in accordance with the approved boundary treatment details shown on drawings 0002-075-NIE-XX-XX-DR-A-PL_130-P7 and 0002-075-NIE-XX-XX-DR-A-PL_131-P3 and retained in perpetuity. Each dwelling shall not be occupied until the boundary treatment for that property is provided.

Reason

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

Construction Environment Management Plan

05

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

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

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

- Program and Phasing Details
 - Site layout
 - Operational hours
 - Expected duration of demolition and construction work phases
- Site Management
 - Contact details of site manager for public liaison purposes
 - Complaints procedure - Roles and responsibilities
- Routes for Construction Traffic
 - Routes to be used for access onto site and egress
 - One way systems
 - Haul routes (onsite and delivery)
- Site Access, Storage and Movement of Materials
 - Delivery access point details
 - Location details of storage / loading / unloading of materials / plant areas
 - Delivery times of materials and plant
 - Car parking facilities for construction staff
 - Details of how the development will legally take access from the adjacent highway i.e. s278 or s184 agreement
- Dust, Debris and Mud
 - Screening and hoarding
 - Preventative measures
 - Dust suppression measures
 - General and machinery
 - Wheel wash facilities
 - Road sweeping facilities
 - Covering of dusty stockpiles
 - Vehicles carrying dusty loads
 - Dust monitoring
 - Boundary checks
 - Monitoring of weather including wind speed and direction, dry conditions etc
- Noise and Vibration Control
 - Silencing of vehicles, plant and machinery
 - Mitigation measures for noisy operations
 - Operational hours
 - One way systems
 - Vehicle reverse alarms
 - Leaflet drops to noise sensitive premises
- Artificial Lighting
 - Hours of operation of the lighting
 - Location and specification of all of the luminaires
 - Level of maintained average horizontal illuminance for the areas that needs to be illuminated

- Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity
- Measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- Waste Management
 - Waste storage
 - Waste collection
 - Recycling
 - Waste removal

Reason

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

Highways

06

No development above ground level shall commence until details of the proposed controlled crossing facility, as indicated on plan reference Drg 0002-075-NIE-XX-XX-DR-A-PL_005 Rev P17 (draft) and relocation of the eastbound bus stop, (see access plan 24-206-TR-008 Rev A), including any necessary footway works, have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the first dwelling is occupied.

Reason

In the interests of highway safety and promotion of sustainable transport methods.

07

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.

08

Prior to the commencement of works road sections, constructional and drainage details shall be submitted to and approved by the Local Planning

Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

09

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

Reason

In order to promote sustainable transport choices.

Air Quality and Emissions

10

The development shall be completed in accordance with the approved electric vehicle charging details shown on plan ref: 0002-075-NIE-XX-XX-DR-A-PL_120-P7 and retained in perpetuity. Each dwelling shall not be occupied until the charging point is provided.

Reason

In the interests of sustainable development and air quality

Noise

11

Prior to each dwelling being occupied a scheme of sound attenuation including glazing and trickle ventilation shall be installed in accordance with the criteria and specifications as detailed in Section 6 of the revised Noise Impact Assessment undertaken by SLR, dated 3rd December 2024 (Project No. 402.065335.00001). Specifically, this includes an updated scheme of façade insulation for habitable living rooms and bedrooms, as per Table M (Specifications for Windows and Ventilators) and Figure H (Illustration of Sound Insulation Scheme Across Development), encompassing commensurate acoustic specifications for glazing and trickle ventilators across three schemes of sound insulation. The mitigation shall thereafter be retained in perpetuity.

Reason

To safeguard the amenities of the occupiers of the proposed development.

12

Prior to each dwelling being occupied a decentralised Mechanical Extract Ventilation (dMEV) system or Mechanical Ventilation Heat Recovery (MVHR)

system shall be installed to each dwelling as identified as 'Not Appropriate' and highlighted in red in Figure I (ADO Simplified Method Suitability) of the revised Noise Impact Assessment undertaken by SLR, dated 3rd December 2024 (Project No. 402.065335.00001). Internal noise levels due to mechanical ventilation plant shall not exceed 35dB LAeq in bedrooms. The mitigation shall thereafter be retained in perpetuity.

Reason

To safeguard the amenities of the occupiers of the proposed development.

13

Close boarded fencing or a solid wall of a minimum height of 1.8m and a minimum surface mass of 10kg/m² shall be installed to the boundaries of each dwelling as identified in Figure J (External Noise Levels) of the revised Noise Impact Assessment undertaken by SLR, dated 3rd December 2024 (Project No. 402.065335.00001), prior to their occupation. The barrier shall be solid, continuous, with no holes or gaps and shall thereafter be maintained and retained in perpetuity.

Reason

To safeguard the amenities of the occupiers of the proposed development.

Drainage

14

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

15

The development shall be carried out in accordance with the Flood Risk Assessment (ref: 11289-HBL-XX-XX-RP-C-0001 Rev P01), prepared by HBL dated 2 September 2025.

Reason

To ensure the site and neighbouring sites are not at risk of flooding from the development.

16

The development hereby granted shall not be begin until details of the foul, surface water and land drainage systems including calculations 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 and in accordance with Policy CS25 of the Local Plan.

Landscapes

17

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- 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 for the lifetime of the development, 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 in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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

18

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement

planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

19

Prior to commencement of development above ground, details of a scheme of advance planting to provide screen planting to site boundaries and structure planting along access roads and associated with key entrances and junctions shall be submitted to and approved in writing by the Local Planning Authority. The planting shall thereafter be implemented in accordance with the approved details:

- i. Prior to the first occupation of the part or phase of development to which the screen relates: or
- ii. In accordance with an implementation timetable agreed in writing with the Local Planning Authority.

This planting shall be maintained for a minimum period of 5 years following contractual practical completion of the part or phase of development to which it relates, and any failures replaced.

Reason

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

Trees

20

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees 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.
- A plan** detailing all trees and hedgerows planned for retention and removal.

- 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 in connection with no-dig construction methods.
- Access arrangements and car parking.
- Level changes.
- A Tree Protection Plan** in accordance with BS5837* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule.

All tree protection methods detailed in the 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 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.

Ecology

21

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.

22

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

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

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

Reason

In the interests of biodiversity and ecology.

23

The development shall not commence works (including demolition) until a Habitat Management and Monitoring Plan (HMMP) has been submitted prepared in accordance with the approved Biodiversity Gain Plan and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority.

Reason

To secure the 30 year management and maintenance of the biodiversity net gain habitat creation.

24

No development shall commence on site until:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The details shall be implemented in accordance with the timescales set out in the approved Biodiversity Gain Plan.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Reason

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition), to ensure Biodiversity Net Gain.

Land Contamination

25

Prior to above ground works commencing, continuous ground gas monitoring will be undertaken to determine accurately the ground gassing regime across the development site. The scope of works for the gas monitoring will need to be approved by the Local Authority in advance of such works taking place. Following completion of the ground gas monitoring works, a detailed ground gas risk assessment will need to be submitted to the local authority for review and comment.

Reason

To ensure the safe occupation of the site.

26

Prior to above ground works commencing, a Detailed Design Report for Gas Mitigation Measures will be provided for review and comment and shall provide details of the identified gas protection measures required, complete with drawings to show how the gas protection measures will fit into the overall building design.

Reason

To ensure the safe occupation of the site.

27

Post construction, a Gas Verification Report is to be provided to confirm that the measures constructed/installed meet the required standards. A verification report will be forwarded to the Local Authority for review and comment.

Reason

To ensure the safe occupation of the site.

28

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. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

To ensure the safe occupation of the site.

29

Due to elevated sulphate concentrations being detected, any buried concrete to be used on site shall be designed to a design sulphate classification of DS-1 for made ground, with a corresponding ACEC class of AC-1 and DS-1/AC-3z for buried concrete coming into contact with natural ground. The design sulphate classification used will need to be evidenced.

Reason

To ensure the safe occupation of the site.

30

Suitable water supply pipes will need to be specified for the site which are considered capable of resisting chemical attack from residual contaminants remaining within the made ground. The use of these approved water supply pipes will need evidencing within a Verification Report for the site.

Reason

To ensure the safe occupation of the site.

31

If subsoil/topsoil is required to be imported to site for gardens or 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.

32

Following completion of any remedial/ground preparation works a Validation Report will be forwarded to this 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.

33

Prior to commencement of any above ground works, details of any cut and fill earthworks required to create development platform(s), including detailed topographical survey information and proposed finished site levels shall be submitted to and approved in writing by the Local Planning Authority. This shall include the submission of a Materials Management Plan as required by the CL:AIRE guidance. The development shall thereafter be constructed in accordance with the approved details.

Reason

To ensure the safe occupation of the site.

Coal Mining

34

Prior to works commencing on site an interpretive geotechnical and design mitigation validation report undertaken by a suitably qualified third-party consulting engineer shall be submitted to and approved in writing by the Local Planning Authority. The report shall define the spatial areas area subject to mining legacy mitigation, the proposed mitigation (e.g. pavement and foundation design) and validate the completion of any prior remediation (e.g. drilling and grouting of mine workings) in advance of the commencement of dwelling and pavement construction. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner.

Reason

To ensure the risk from historic coal mining are minimised.

35

No above ground development shall commence until remediation works and mitigation measures to address land instability arising from past coal mining legacy, including that associated with former surface (opencast) and shallow underground mining, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure the risk from historic coal mining are minimised.

36

Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of those remedial works and mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure the risk from historic coal mining are minimised.

Local Labour Agreement

37

Prior to the commencement of works, 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.

Waste Management Plan

38

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.

Soil Strategy

39

No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority: A Soil Resource Plan (SRP) prepared by a qualified soil scientist, or other suitably qualified person or persons, in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (or any updated version of this code) informed by a Soil Resource Survey carried out in discharge of this condition. The SRP shall set out the methods and equipment to be used for the protection, recovery, storage, re-use and disposal of all site topsoil and subsoil and shall include details of an auditable system of site monitoring by a qualified soil scientist or other suitably qualified person or persons to ensure correct implementation of the SRP and to ensure that its use off-site is in accordance with the principles contained in this guidance.

Reason

To ensure that all usable soil resources are appropriately recovered and protected, and not lost, damaged or sterilised during the construction process.

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

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

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

03

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

04

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

05

It is advised that the development is built to Secured by Design standards (www.securedbydesign.com) and it is recommended that the following be considered:

Defensible Space

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

Boundary Treatment

All rear gardens should be secured with a min 1.8m high fence.

A 1.8m lockable gate should be fitted as close to the front boundary line as possible to secure the rear of the dwellings. With divisional boundaries between houses at 1.8 metres for the first two panels from the house and dropping to 1.5 metres thereafter.

Surveillance

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

Lighting

All external paths and car parking areas should be well lit with an LED lighting scheme to standard BS5489 with no dark areas.

All front and rear doors should be lit with a wall mounted luminaire to provide lighting in line with standard BS5489 which should operate on a dusk to dawn sensor and spread the light downward. These luminaires should be placed as high as possible and in any event not below two metres in height.

Security of Dwellings

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

06

Whereby a private maintenance arrangement is proposed and the development is unlikely to remain under single ownership or within a single curtilage over its lifetime a condition will require a satisfactory legal agreement to be drawn up to provide for inspection and maintenance of the proposed surface water drainage scheme. This legal agreement is required BEFORE the first occupation of any dwelling or building on the site. Over the lifetime of the development an agreement must include the following:

- a) A detailed operational maintenance plan;
- b) Physical access arrangements for maintenance, and establishment of legal rights of access in perpetuity, prior to the commencement of any phase of the development;
- c) A financial revenue plan clearly setting out how funding for maintenance is to be raised over the lifetime of the development;
- d) A whole life cost analysis for capital maintenance over the lifetime of the development. Any values should be based on the current HM Treasury Present Value (PV) Discount Rate. Assumptions about the expected useful life of materials should be included in any such analysis; and
- e) Details of financial surety to ensure long-term maintenance and capital maintenance costs of apparatus. It is for the developer to demonstrate that a suitable financial underwriting arrangement is in place.

07

Surface Water Discharge From Brownfield Site:

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers / watercourses are to be increased.

A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 40% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

08

On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Guidance on flood pathways can be found in BS EN 752.

09

Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

10

Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation

Authority. Further information regarding Incidental Coal Agreements can be found at:

www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

11

Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

12

With regard to condition 06, you will appreciate that these works will require an Agreement under S278 Highways Act, 1980 and involve the provision of a light-controlled crossing facility and relocation of an eastbound bus stop including any associated footway works site (see access plan 24-206-TR-008 Rev A), which the agent has confirmed via email dated 12th December 2025, that SYMCA have agreed in principle.

13

The site layout will be subject to a 20mph zone. This will require a traffic regulation order (TRO) implementing to support the layout. The cost of this TRO is to be funded by the developer at a cost of £4,000 and will be included within the proposed s278 legal agreement.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2025/1408
Proposal and Location	Change of use from Class C3 Dwellinghouse to Class E(e) Provision of medical or health services and single storey side/rear extension & single storey link extension to 41 Broom Road at 39 Broom Road, Broom, Rotherham, S60 2SW
Recommendation	Grant with conditions

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

Site Description & Location



The site comprises two semi-detached properties (No. 39 & 41) on Broom Road, a residential street in Rotherham, with Herringthorpe Playing Fields located to the rear. The properties are of a typical form, set back from the highway with long front and rear gardens. Garages serving this and neighbouring properties are situated to the rear and accessed via Arundel Road, a single-track unadopted lane. The surrounding area is predominantly residential, characterised by similar semi-detached dwellings. No. 41 operates as an established dental practice, Joseph Family Dental Care, which serves NHS and private patients and will continue to operate between 09:00 and 17:00 Monday to Friday.

Background

The submitted information indicates No. 39 is an unoccupied dwelling requiring extensive renovation including rewiring, plumbing, plastering, flooring, and decoration. The site does not have any previous planning history. It is noted that the dental surgery has been in place for many years.

Proposal

The proposal includes internal alterations to 39 Broom Road which will require a change of use from Class C3 Dwellinghouse to Class E(e) Provision of medical or health services, single storey side/rear extension and single storey link extension to provide additional clinical rooms, a staff training area, an office, and an enlarged equipment storage and decontamination facility. These works will enhance NHS dental capacity and staff training provision without increasing patient numbers.

The building, currently vacant, will undergo full refurbishment including rewiring, plumbing, plastering, flooring and redecoration.

Externally, a single-storey glazed link is proposed to improve operational efficiency while retaining the residential character of the site. This will consist of a single storey glass connecting structure with a flat roof between No. 39 and 41.

The existing single-storey rear extension at 39 Broom Road will be demolished and replaced with a pitched-roof extension in matching brickwork. The new extension will be widened to align with the main house, providing additional clinical space, decontamination facilities, and a toilet.

Parking arrangements will be improved through the removal of the rear garages and enhancement of the parking surface and bay markings along Arundel Road. Following completion of main construction works, the stretch of Arundel Road from the boundary of No. 6 to the gate of No. 43 will be fully resurfaced, with appropriate signage and designated disabled parking bays installed.

The development does not propose any increase in patient numbers, and operating hours will remain 09:00–17:00 Monday to Friday, consistent with the existing practice.

Enhancements to biodiversity are proposed through additional tree planting within the front and rear gardens. No further development is proposed within the rear garden areas other than routine maintenance of the two existing TPO-protected trees.

It is indicated that the business will employ 11 full-time and 5 part-time members of staff which is an additional 2 full time and 5 part-time staff.

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:

Core Strategy

CS20 Biodiversity and Geodiversity

CS28 Sustainable Design

Site and Policies Document

SP11 Development in Residential Areas

SP33 Conserving and Enhancing the Natural Environment

SP55 Design Principles

SP52 Pollution Control

Other Material Considerations

The revised National Planning Policy Framework (NPPF) came into effect in December 2023. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

Supplementary Planning Document – 'Householder Design Guide'. This was adopted by the Council in October 2025.

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

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 13 representations have been received, 6 in support, 5 objecting and 2 observations.

The comments in support can be summarised as follows:

- Strong community support for increased NHS provision.
- Perceived benefits to local healthcare capacity and community wellbeing.
- Recognition that the applicant appears to be complying with planning rules.
- Positive feedback on building improvements already made (e.g., front windows).
- Neighbours satisfied with design/layout decisions that protect privacy.

The objections can be summarised as follows;

- **Loss of a Residential Property**
Objectors note that the proposal would remove a dwelling in an area with an identified shortage of housing.
- **Parking and Traffic Concerns**
 - Existing parking pressure on Boswell Street and Arundel Road, already used by staff and patients.
 - Concerns that proposed parking provision is inadequate and will increase overspill parking on surrounding streets.
 - Difficulties residents experience when trying to park near their homes.
 - Safety issues including Boswell Street operating as a single carriageway due to parking, restricted visibility at the Arundel Road junction, and increased risk associated with its use as a through-route.
 - Deterioration of the unadopted lane & reported damage to private property,
- **Concerns Regarding Further Expansion**
It is reported that the applicant is seeking to acquire additional land, leading to concerns about further development, increased traffic and additional pressure on local streets. Residents request consultation should any future retrospective application be submitted.
- **Construction-Related Concerns**
A neighbouring resident reports that a roof structure has been constructed without permission and is considered excessively high, resulting in loss of light. No party wall agreement has been provided, and concerns have been raised about potential structural impacts.

The observations received are summarised below:-

- **Submission accuracy:** errors in the submitted documents, including inconsistent unit numbers and inaccuracies on the site plan such as the north arrow
- **Parking:** Existing parking pressures are longstanding, previous parking-control conditions were not implemented,
- **Highway condition:** The deteriorated central section of Arundel Road is expected to worsen under increased vehicle movements
- **Lighting:** New external lighting reportedly remains on throughout the night
- **Accessibility:** disabled access should not rely solely on the rear car-based route

There has been 2 representation from objectors to speak at the Planning Board meeting.

Consultations

RMBC – Transportation Infrastructure Service –

“support the application on highway grounds on the basis that there is to be a minimal change to staffing numbers and that there is to be no increase in customer numbers.

The proposed scheme offers improved car parking provisions for staff and existing disabled patients only; there will be no provision for abled bodied customers. This will only result in a minimal increase in vehicular traffic.

The proposed site layout demonstrates 6 No. car parking spaces on the practice side of the private road and 6 No spaces on the opposite side. The layout highlights that the private road is only approx. 2.5m in width which will not cater for two way traffic flows.

RMBC – Environmental Health – Note that *“The property is located within a residential area with an existing dental practice at 41 Broom Road. 39 Broom Road is currently a semi-detached residential dwelling. The applicant wishes to expand the business and in doing so proposes to join the two properties. Internal changes to the buildings include an increase in the number of treatment rooms and the provision of a staff room, a staff training room, and additional waiting room. Part of the existing rear gardens are to become car parking spaces mainly for use by staff and disabled persons. The proposed operating hours are 09:00 until 17:00 Mondays to Fridays. No details of provision of any new fixed plant has been provided*

Given the close proximity to noise sensitive receptors it is recommended that operating hours and installation of fixed plant be restricted. It is also recommended that movement between other usages within Use Class E be restricted to protect local amenity.”

RMBC - Tree Service (AWA) – *“There are TPOs present within and close to the rear garden of number 39. The provided Tree Statement confirms that construction works, and storage of materials are to remain out of the rear garden of number 39, with the proposed development works to the existing dwellings being well clear of the High value TPO trees that are present towards the rear boundary of the garden. The Tree Statement mentions that no works are proposed to the protected trees on site. There are additional trees within the rear garden of number 39 that the Tree Statement does not mention. However, these trees are generally of low individual value and should not provide a significant constraint to the development work, provided that the rear garden is considered an exclusion zone for construction works and material storage.*

The Tree Service requests the condition that construction activities and material storage are excluded from the rear gardens for the duration of the development works.

Yorkshire Water Services – Note that *“On the Statutory Sewer Map, there is a small diameter public combined water sewer and a small diameter surface*

water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme” In the submitted supporting statement it is noted that there will be a relocation of inspection chamber to avoid conflict with rebuilt rear extension.

RMBC Public Health raised no concerns

Appraisal

The main considerations in the determination of the application are:

- Principle of Development
- Impact on Residential Amenity
- Impact on Visual Amenity
- Impact on Protected Trees

Principle of Development

The application site lies within an area allocated for **residential use** within the adopted Local Plan. Policy SP11 seeks to retain such areas primarily for residential purposes. However, it is material to note that the existing dental practice at No. 41 is a **long established non-residential use** operating within this residential context. The proposal to use No. 39 as an extension to this existing use must therefore be assessed in accordance with **Policy SP11 “Development in Residential Areas”**.

Policy SP11 states that residential areas should be retained predominantly for residential uses, with non-residential uses only permitted where they remain compatible with the residential character of the area and meet all criteria (a)–(d). An assessment against each criterion is provided below.

- **Criterion (a): Are ancillary and complementary to the residential nature and function of the area.**
The existing dental practice provides a local healthcare service which supports the day-to-day needs of the surrounding community. As an established use, its continued operation is already integrated within the residential setting. The proposed use of the adjacent property and extension to the side and rear seeks to enhance the existing service rather than introduce a new or more intensive commercial use. The proposal is therefore considered to remain ancillary and complementary to the function of the area and is compliant with criterion (a).
- **Criterion (b): Are no larger than required to meet the needs of local residents.**
The applicant indicates that the extension is required to improve internal accommodation and meet clinical needs which includes the provision of a staff training room, office space and enhanced decontamination facilities, in order to comply with updated clinical regulations.. On the basis of the

submitted information, the scale of the proposal is proportionate to the operational requirements of the practice and does not indicate an expansion intended to serve a significantly wider catchment. The development is therefore considered to meet criterion (b).

- **Criterion (c): No unacceptable impact on residential amenity.**

The dental practice already operates within a residential environment, and the key consideration is whether the proposed use of the adjacent property for use as an extension to this established medical facility would materially increase impacts on neighbouring properties. This is explored in the following paragraphs below.

- **Criterion (d): Benefit to the health and well-being of the local population.**

A dental practice is inherently a community health facility, and the proposed change of use and extension is intended to improve service delivery and accessibility for local residents. The scheme therefore provides a clear and direct benefit to public health, aligning strongly with criterion (d).

Having regard to the above, while the site is allocated for residential use, Policy SP11 permits non-residential development where specific criteria are satisfied. The proposed change of use and extensions are considered to meet three of the four criteria outlined in policy SP11. The development would support a needed local healthcare facility, therefore subject to the proposal not resulting in any unacceptable harm to residential amenity, which is explored further below, the proposal is considered **acceptable in principle**.

Impact on Residential Amenity

As outlined above, Policy SP11 states that non-residential uses will only be permitted where there is **no unacceptable impact on residential amenity (criterion c)**.

Furthermore, policy SP52 'Pollution Control' requires that development likely to generate or be exposed to pollution must incorporate mitigation to safeguard health, amenity, and environmental quality. This includes consideration of:

- a. Potential impacts on local amenity and public health.
 - b. Noise-generating activities associated with the proposal.
- Where appropriate, a Noise Assessment is required to support decision-making.

The National Planning Policy Framework (NPPF) paragraph 135 reinforces this, stating that development should create safe, inclusive, and accessible environments, promote health and well-being, and maintain a high standard of amenity for existing and future occupants.

The applicant's supporting information states that the proposed expansion is necessary to provide additional internal accommodation, including a staff training room, office space and enhanced decontamination facilities, in order to comply with updated clinical regulations. It is confirmed that the proposal is not intended to result in a significant increase in patient numbers or staffing levels, but rather to improve the efficiency and regulatory compliance of the existing dental service.

The dental practice is an established use within this predominantly residential area, and one of the principal considerations is whether its expansion into No. 39 would give rise to any material increase in impacts upon neighbouring properties.

No. 39 is modest in scale, and in light of the applicant's confirmation that the additional space is required to meet clinical standards rather than intensify activity, it is considered that its use, together with the small-scale extensions proposed, would not result in unacceptable levels of noise, overlooking, overshadowing or general disturbance.

It is noted that the concerns raised by local residents primarily relate to parking and traffic. The applicant has confirmed that improvements have already been made to the rear parking area, including the removal of the existing garages and resurfacing of the yard. These works have increased operational efficiency and will provide 12 parking bays for staff and disabled users.

To ensure this is managed effectively, spaces will be clearly marked for disabled use only, staff parking will continue to occur at the rear, reducing pressure on surrounding streets, and visitors are informed in advance that the rear area is not available for general parking.

With regard to wider parking demand, the applicant indicates that the majority of staff and patients live locally and travel on foot or by public transport. Accordingly, no increase in vehicle movements is anticipated as a direct result of the proposed development.

Having regard to this, it is considered that any increase in activity or associated vehicle movements is considered modest and capable of being mitigated through appropriate conditions. As such, the proposal is considered to comply with criterion (c) of SP11 and SP52.

Having regard to the impact of the proposed extensions, although No. 37 remains in residential use and the proposal relates to a commercial operation, it is considered appropriate to have regard to the Council's *Householder Design Guidance SPD* (October 2025). This states that single-storey rear extensions are generally acceptable, and that extensions built on or close to a boundary should project no more than 4 m from a neighbouring rear elevation. The existing single-storey rear extension at No. 39 will be demolished and replaced with a pitched-roof extension in matching brickwork. The replacement extension will be widened to align with the main dwelling and will

provide additional clinical space, decontamination facilities and a toilet. It will project approximately 4 m to the rear, extending just under 1 m beyond the rear elevation of the neighbouring extension at No. 37.

Given the modest degree of projection and the single-storey nature of the extension, it is not considered that it would result in an unacceptable impact on the amenities of No. 37. No significant overshadowing, loss of light or overbearing effect is anticipated.

In view of the above, the proposed extension is considered to accord with the *Householder Design Guidance SPD* in respect of its scale and siting and is not expected to result in harm to residential amenity by way of loss of privacy, overshadowing or overdominance.

Impact on visual amenity

In assessing the design of the proposed extensions and the surrounding area, Local Plan Policy CS28 Sustainable Design notes that:

“proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.”

Local Plan Policy SP55 ‘Design Principles’ states: *“All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environment, and positively contribute to the local character and distinctiveness of an area and the way it functions.”*

“Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

- a. *the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development.*
- g. *the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings and ensure that adjoining land or properties are protected from overshadowing.”*

The NPPF states at paragraph 139 that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Furthermore, it states at an extension should not have an overbearing effect on the neighbouring property or create an unreasonable effect on its outlook.

The NPPF also states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings

and an extension should not have an overbearing effect on the neighbouring property or create an unreasonable effect on its outlook.

The proposed rear extension has been designed to reflect the character of the host property and the surrounding area. Although visible from the rear, including from Arundel Road, it is not considered to appear as a prominent or intrusive feature within the street scene.

A single-storey link extension is also proposed between Nos. 39 and 41. This element has been designed as a glazed flat-roofed structure, resulting in a more contemporary architectural design within an area characterised by traditional properties. However, due to its modest scale and recessed position behind the front elevations of both properties, it reads as a subordinate addition that does not detract from the established character of the street.

Overall, the extensions are considered to complement the appearance of the properties and do not result in harm to the design or character of the host buildings.

Having regard to the above, the proposals are considered to comply with Local Plan Policies CS28 *Sustainable Design* and SP55 *Design Principles* and are therefore acceptable in design terms.

Impact on Protected Trees

Policy CS20 *Biodiversity and Geodiversity* seeks to conserve and enhance Rotherham's natural environment. It requires that biodiversity and geodiversity resources are protected and, where possible, enhanced, including nationally and locally important sites, habitats, features, and protected or priority species.

In addition, Policy SP33 *Conserving and Enhancing the Natural Environment* states that development should conserve and enhance existing features of biodiversity and geodiversity value and, where appropriate, create new ones. Within the application site boundary, two trees are protected by a Tree Preservation Order (TPO). These trees are positioned toward Arundel Road and are located a substantial distance from the host dwelling. As such, the construction of the proposed rear extension and link extension would not affect them.

The TPO trees are situated within an existing area of hardstanding identified for vehicle parking. This area has historically been used for hardstanding, previously accommodating outbuildings and garages that have since been removed and resurfaced. Consequently, the development proposals would not result in any greater impact on the protected trees than the current situation. The scheme is therefore not considered to give rise to any detrimental effect on these trees.

The applicant also proposes the planting of an additional five trees within the rear gardens of Nos. 39 and 41. This will be secured through an appropriate

planning condition and will provide further enhancement to the site's biodiversity value.

Having regard to the above, the proposals are considered to comply with the requirements of Policies CS20 and SP33.

Conclusion

In terms of impact on nearby residents, the proposal is not expected to significantly change the level of activity at the site. The dental practice is long-established, and the expansion is primarily to improve internal space rather than increase patient numbers.

Environmental Health raise no objections, provided conditions are applied to control operating hours and ensure any new fixed plant meets strict noise limits. This will protect neighbouring properties from disturbance.

Design impacts are limited: the extensions are single-storey, modest in scale, and set well within the plot. They do not cause overshadowing or an overbearing impact on adjoining homes, and materials match the existing buildings.

Parking concerns from residents have been carefully considered. Highways officers are satisfied that, with a condition restricting the rear area to staff and disabled users only, the proposal will not create a severe highways impact. The applicant has confirmed that no increase in vehicle movements is anticipated.

The rear garden contains protected trees, and a condition will prevent construction activity in this area to safeguard residential outlook and local character.

Overall, subject to the recommended conditions, the proposal is considered to have an acceptable impact on neighbouring amenity and is considered to be in compliance with the guidance set out in the Council's adopted SPD 'Householder Design Guide' and the requirements contained within the adopted Local Plan policies CS28 'Sustainable Design' and SP55 'Design Principles' and the NPPF.

Conditions

01

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

Reason

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

02

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

Reason

To define the permission and for the avoidance of doubt.

03

Operating Hours

The use hereby approved shall only be open to customers between the hours of 09:00 – 17:00 Mondays to Fridays.

Reason:

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and part 15 of the NPPF

04

Use Class

The use hereby approved shall only be used for activities falling within 'Use Class E(e) - Provision of medical or health services'. The premises shall not be used for any other activity within 'Use Class E'.

Reason

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

05

Fixed plant

No noise generating fixed plant including mechanical ventilation, air conditioning/refrigeration compressor units or extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014+A1:2019 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve a maximum cumulative plant Noise Rating Level of no more than 3dB(A) below the prevailing background levels, outside the boundary of the nearest noise sensitive property.

(All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.)

Reason

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

06

No construction activities or storage of materials should take place within the root protection area of the TPO trees as identified on the submitted site plan Drawing Number Existing/Proposed Site Plan_39-41

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.

07

During the next available planting season, the 5 No. native trees as detailed in the submitted Design & Access Statement shall be planted and maintained to ensure healthy establishment.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with SP32 'Green Infrastructure & Landscape' and SP33 'Conserving and Enhancing the Natural Environment'.

08

The parking bays identified on Plan 'Amended Existing/Proposed Site Plan_39-41, received 10 February 2026 shall be reserved solely for the parking of staff and disabled visitors at all times. All staff and disabled visitors using these bays shall clearly display a valid staff identification badge or a Blue Badge whilst the vehicle is parked in these spaces.

Reason

To ensure the rear parking area is reserved for staff and disabled users only, in the interests of highway safety.

09

Before the development is brought into use, the car parking area shown on the Plan 'Amended Existing/Proposed Site Plan_39-41, received 10 February 2026 shall be provided and the parking bays identified by either signage or road markings for the lifetime of the development hereby approved.

Reason

To ensure safe parking provision in line with Local Plan Policy SP52.

Informative(s)

You have indicated on the application form, by completion of Certificate A on the certificate of ownership form, that nobody except the applicant was the owner of any part of the land to which the application relates. As such, no part of the building, including foundations or guttering, should project over the boundary of your property.

Positive and Proactive Statement

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