

PLANNING REGULATORY BOARD

Date:- Thursday, 4 October 2018 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH

Time:- 9.00 a.m. for the Site Visit
10.15 a.m. for the Meeting

Meetings of the Planning Board can all be viewed by live webcast by following this link:-
<https://rotherham.public-i.tv/core/portal/home>

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the meetings held on 7th and 13th September, 2018 (Pages 2 - 6)
6. Deferments/Site Visits (information attached) (Pages 7 - 8)
7. Visit of Inspection - Erection of 108 No. dwellinghouses on land off Nethermoor Drive, Wickersley (RB2017/0215) (report herewith) (Pages 9 - 51)
8. Development Proposals (report herewith) (Pages 52 - 99)
9. Report of the Assistant Director of Planning Regeneration and Transport (herewith) (Pages 100 - 137)
10. Updates
11. Date of next meeting - Thursday, 25th October, 2018

Membership of the Planning Board 2018/19

Chairman – Councillor Sheppard

Vice-Chairman – Councillor Williams

Councillors Andrews, Atkin, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Sansome, Steele,
John Turner, Tweed, Walsh and Whysall.



**SHARON KEMP,
Chief Executive.**

Planning Board 'Public Right To Speak'

REGISTERING TO SPEAK

The Council has a "Right to Speak" policy, under which you may speak in the Planning Board meeting about an application. If you wish to do this, it is important that you complete a tear-off slip and return it with any written comments, within 21 days of the date of the notification letter back to the Planning Department.

Your comments will be made known to the Planning Board when it considers the application and you will be written to advising of the date and time of the Planning Board meeting to exercise your right to speak

WHEN YOU ARRIVE

If you wish to speak in the meeting, please try to arrive at the venue ten minutes before the meeting starts. The reception staff will direct you to the Council Chamber.

In the Council Chamber, please give your name to the Board Clerk (who will have a checklist of names derived from the agenda). The Clerk will direct you to the seating reserved for people who wish to speak.

The agenda is available on line at least five days prior to the meeting, and a few copies will be made available at the meeting, so you can read the reported relating to the application which concerns you and see where it comes in the agenda.

The Council Chamber is equipped with microphones and a hearing loop

The meeting is being filmed for live or subsequent broadcast via the Council's website and can be found at:-

<https://rotherham.public-i.tv/core/portal/home>

If anyone present or members of the public in the public galleries do not wish to have their image captured they should make themselves known to Democratic Services before the start of the meeting.

This may require seating in a different area of the Chamber or in an alternative viewing room (if available).

Take time to familiarise yourself with the layout of the Chamber and the procedure.

YOUR RIGHT TO SPEAK

The 'right to speak' applies equally to the applicant and to the general public.

It is not intended that professional agents representing either the applicant or objectors, should be allowed to speak, but this is at the Chairman's discretion.

You will be invited to speak by the Chairman at the correct interval.

Switch the microphone on to allow everybody in the Chamber to hear your comments.

Each speaker will be allowed three minutes to state his/her case. The applicant does not have a "right to reply" to the objector(s) comments.

Only planning related comments can be taken into consideration during the decision process.

CONDUCT OF COMMITTEE MEETINGS

Speakers should not be allowed to engage in discussion with members of the Committee during public speaking or the Committee deliberations, to avoid any risk of accusation of bias or personal interest.

All attendees are reminded of the importance to remain calm, courteous and respectful during the meeting. Please refrain from shouting out and allow people to speak. Any person causing a disruption will be asked to leave the Council Chamber.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

Please tick (✓) which type of interest you have in the appropriate box below:-

1. Disclosable Pecuniary

2. Personal

Please give your reason(s) for you Declaring an Interest:-

(Please continue overleaf if necessary)

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Democratic Services Officer prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Democratic Services Officer.)

PLANNING BOARD
Friday, 7th September, 2018

Present:- Councillor Sheppard (in the Chair); Councillors Andrews, Atkin, Bird, D. Cutts, M. Elliott, Sansome, Steele, Tweed, Walsh, Whysall and Williams.

An apology for absence was received from Councillor John Turner.

The webcast of the Council Meeting can be viewed at:-

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27. DECLARATIONS OF INTEREST

Councillor Sheppard declared he had previously attended meetings against hydraulic fracturing, but would judge this application on its own merits.

Councillor Steele declared he was a former Secretary to an anti-fracking group, but was no longer involved. He had participated in training associated with exploratory drill operations and would judge this application on its own merits.

Councillor Walsh declared a personal interest on the grounds of being a member of the Energy Institute.

28. DEFERMENTS/SITE VISITS

No site visit or deferment was requested.

29. DEVELOPMENT PROPOSAL - CONSTRUCTION OF A WELL SITE INCLUDING THE CREATION OF A NEW ACCESS TRACK, MOBILISATION OF DRILLING, ANCILLARY EQUIPMENT AND CONTRACTOR WELFARE FACILITIES TO DRILL AND PRESSURE TRANSIENT TEST A VERTICAL HYDROCARBON EXPLORATORY CORE WELL AND MOBILISATION OF WORKOVER RIG, LISTENING WELL OPERATIONS, AND RETENTION OF THE SITE AND WELLHEAD ASSEMBLY GEAR FOR A TEMPORARY PERIOD OF 5 YEARS AT LAND ADJACENT DINNINGTON ROAD WOODSETTS FOR INEOS UPSTREAM LIMITED (RB2018/0918)

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the application:-

- Mr. Tom Pickering and Mr. Matthew Shepherd (Applicant)
- Mr. Richard Scholey, Ms. Christine Burton, Mr. Barry Cartwright, Ms. Diane King and Mr. Gerald Kells (Woodsetts Against Fracking Action Group)
- Councillor Clive Jepson, Ward Councillor, Anston and Woodsetts/Anston Parish Council (Objector)
- Ms. Monica Carroll, representing Firbeck, Letwell and Woodsetts Parish Councils (Objector)
- Mr. Andy Tickle, C.P.R.E. (Objector)
- Mr. Matthew Wilkinson, Resident (Objector)

(2) That the Planning Board declares that it is not in favour of application RB2018/0918 and that the application be refused on the grounds of unacceptable highways safety issues and potential conflict with vulnerable road users and would have a detrimental impact on local residents on Berne Square in terms of noise nuisance and general disturbance due to the close proximity of the proposed access and that the Chairman and the Vice-Chairman be authorised to approve the precise wording of the reasons for refusal.

30. UPDATES

There were no updates to report.

31. DATE AND TIME OF THE NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 13th September, 2018 at 9.00 a.m.

PLANNING BOARD
Thursday, 13th September, 2018

Present:- Councillor Sheppard (in the Chair); Councillors Andrews, Atkin, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Sansome, Steele, R.A.J. Turner, Tweed, Walsh, Whysall and Williams.

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32. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

33. MINUTES OF THE PREVIOUS MEETING HELD ON 23RD AUGUST, 2018

Resolved:- That the minutes of the meeting of the Planning Regulatory Board held on Thursday, 23rd August, 2018, be approved as a correct record for signature by the Chairman.

34. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

35. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the applications listed:-

- Erection of 2 No. dwellinghouses at land to rear of 15 Station Road, Laughton Common for Mr. C. Fisher (RB2017/1376)

Mr. C. Fisher (Applicant)
Mr. B. Paxman (Objector)
Mrs. J. Hoey (Objector)

- Erection of 144 No. dwellinghouses with associated car parking, garages, access, landscaping, open space and drainage and new vehicular access on to Upper Wortley Road at land North of Upper Wortley Road, Thorpe Hesley for Jones Homes (Yorkshire) Ltd. (RB2017/1484)

Mr. G. Winter (on behalf of the applicant Company)

Mrs. D. Stevenson (Objector)
Borough Councillor M. Clark (Councillor for the electoral Ward,
objecting to the application)

- Erection of memorial wall, statue and plinth and associated works at Coronation Park, Laughton Road, Dinnington for Dinnington Colliery Old Boys (RB2018/0923)

Mr. D. Smith (Supporter)
Mrs. M. P. Smith (Supporter and Secretary of the Applicant Group)
Mrs. J. Hart (Objector)

(2) That application RB2017/1376 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and with the inclusion of an Informative relating to the treatment of the Poplar trees situated adjacent to the development site.

(3) That, with regard to application RB2017/1484:-

(a) the Council shall enter into an Agreement with the developer in accordance with the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- 36 affordable housing units (25% of total units proposed) on site;
- a financial contribution of £252,936 towards Education provision for improvements to schools in the Thorpe Hesley area; and
- a financial contribution of £72,000 towards sustainable travel measures to support the development.

(b) consequent upon the satisfactory signing of the Section 106 Agreement, planning permission be granted for the proposed development for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That application RB2018/0923 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

36. UPDATES

Members of the Planning Board were informed of the publication, by the Government Department for Communities and Local Government, of consultation documents relating to the following issues:-

(1) permitted development for shale gas exploration; and

(2) the inclusion of shale gas production schemes in the list of Nationally Significant Infrastructure Projects (NSIP).

The consultation documents were available to view via this Internet web

site:-

<https://www.gov.uk/government/news/ministers-seek-views-on-shale-planning-reforms>

<https://www.gov.uk/government/consultations/permitted-development-for-shale-gas-exploration>

<https://www.gov.uk/government/consultations/inclusion-of-shale-gas-production-projects-in-the-nationally-significant-infrastructure-project-nsip-regime>

Reports on these matters, including suggested responses by the Council to both of these consultation documents, were to be submitted for consideration at the next meeting of the Planning Board to be held on Thursday, 4th October, 2018.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Assistant Director of the Service the detailed wording of a reason for refusal or a planning condition.
 - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Assistant Director of Planning, Regeneration and Transport or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Assistant Director of Planning, Regeneration and Transport.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chair and Vice-Chair will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chair should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY BOARD

VISIT OF INSPECTION – THURSDAY, 4TH OCTOBER, 2018

1. **RB2017/0215** – Erection of 108 No. dwellinghouses on land off Nethermoor Drive, Wickersley

Requested by:- Chair and Vice-Chair of the Planning Board

Reason:- To allow Members to get a clearer understanding of the site in the context of existing built form and proposed access.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2017/0215	Wickersley	9.30 a.m.	9.50 a.m.

Return to the Town Hall for approximately 10.10 a.m.

Meeting to commence 10.15 a.m.

SITE VISIT NO. 1 (Approximate time on site - 9.30 a.m.)

Application Number	RB2017/0215
Proposal and Location	Erection of 108 No. dwellinghouses on land off Nethermoor Drive Wickersley
Recommendation	<p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 25% on site affordable housing provision • Commuted sum of £500 per dwelling towards sustainable transport measures • Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LEAP. <p>B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major operations.



Site Description & Location

The application site is a parcel of agricultural land which is located to the east of houses on Newhall Avenue, Nethermoor Drive and Morthen Road and to the north of properties on Moatlands and Moat Lane. The site is to the south of Second Lane, and there are agricultural fields beyond to the east.

There are hedgerows along the boundaries of the site. The site rises from north to south and is approximately 4 hectares in area.

To the south east corner of the site, three trees identified as G18, G20 and T19 are protected by Tree Preservation Order No. 10, 1995.

Background

Relevant Planning History

RH1967/5388 Outline for residential development – refused 08/01/1968

RH1970/6462 Outline for residential development – refused 07/09/1970

RH1971/7100 Outline for residential development – refused 05/06/1972

RB1976/0239 Outline for residential development - refused 16/06/1976

RB1984/1659 Outline for residential development – refused 21/02/1985. The reasons for refusal were –

1. The site is shown as unallocated on the approved Rotherham Rural District Town Map, 1st Review. The site is within the Green Belt on the Draft Green Belt subject Plan for Rotherham District, which has been subject of public participation, wherein it is the policy of the Local Planning Authority not to permit new residential development except where justification as being essential in the interests of agriculture.
2. Second Lane is of restricted width (2.6m approx.) and lacking in separate pedestrian facilities. Land outside the application site would be required to enable the access to be upgraded to a suitable standard, as a consequence of which, vehicular conflict on Second Lane would be likely to result, to the detriment of road safety
3. Visibility at the Nethermoor Drive/Morthen Road junction is considered to be deficient to cater for any additional vehicular traffic which may utilise the street. Also the use of Nethermoor Drive by additional traffic would be likely to result in a significant loss of amenity for existing residents, particularly from noise nuisance.

RB2017/0514 – Erection of 48 dwellings, on land to the north of Second Lane – Undetermined.

Community Infrastructure Levy

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for

self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

Environmental Impact Assessment

A screening opinion is not required for this development as it does not meet the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Whilst it is acknowledged there is a further planning application across Second Lane in close proximity to this application site (under reference RB2017/0514) the two planning applications are different projects which have been submitted separately, under separate application numbers, each comprising separate red edge boundaries with separate points of access and different owners, and are being considered separately. For this reason the consideration of the development against the EIA Regulations has been applied on an individual basis.

Proposal

The applicant seeks full planning permission for the erection of 108 dwellings and associated works. The original proposal included vehicular access from Second Lane together with a second point of access from Nethermoor Drive. The application has been amended through the process and the vehicular access from Second Lane has been removed, leaving only one vehicular entrance/exit off Nethermoor Drive.

The internal layout of the development has also been amended on numerous occasions, both by the developer and at the request of the Local Planning Authority, and includes an increase in the amount of open space on the site, which has resulted in the loss of one plot reducing the scheme to 108 dwellings.

Dwellings proposed include 11 No. 2 bed dwellings, 27 No. 3 bed dwellings and 70 No. 4 bed dwellings. The proposal includes the provision of 25% on site affordable housing units, which equates to 27 dwellings. The types of houses proposed are a variety of terraced, semi-detached and detached units.

A children's play area in the form of a 'Local Equipped Area for Play' (LEAP) is proposed to the north of the site, close to Second Lane.

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

Planning Case Report

This document has been updated in view of adoption of the Local Plan in June 2018, and the revision of the NPPF in July 2018 and the NPPG.

The document notes that the revised NPPF indicates that the presumption in favour of sustainable development should be on the basis of every planning decision to proactively drive and support sustainable economic development to deliver the homes that the country needs. It sets out a policy aim to boost significantly the supply of housing and indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant housing policy at local level should not be considered up-to-date if a five-year supply deliverable housing cannot be demonstrated by the Council. In such cases applications for housing development should be assessed having regard to the provisions of the NPPF.

It notes that the proposal is wholly consistent with the thrust of the Core Strategy, Sites and Policies DPD and the revised NPPF to boost significantly the supply of housing and to deliver a wide choice of high quality homes. As such the principle of the development of the site is in accordance with the Development Plan and current national policy in respect of housing delivery.

It goes on to state that the site is located within a highly sustainable location, with excellent access to social and physical infrastructure. The development fully aligns with the Core Strategy Spatial Strategy in that it will contribute towards the planned growth for the Bramley, Wickersley and Ravenfield Common Principal Settlement for Growth (Core Strategy Policy CS1). The proposed development will be in keeping with the local characteristics and proposes a mix of property types without detriment to neighbouring amenities. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement, as have the consideration of the existing green infrastructure proposed on site open space and landscaping.

It concludes that the proposal is fully policy compliant and has demonstrated there to be no technical issues which would prevent the grant of planning permission.

Design & Access Statement

This concludes that the proposal will offer a range of high quality homes to suit a wide range of purchasers, which will complement the current housing stock and respect the character of the area. It states that the proposals will create a sensitive, locally responsive development; it will be robust, legible and accessible and will contribute positively to the settlement, delivering a safe and attractive environment rooted firmly in its place from the outset; it will create a desirable place that will stand the test of time and that people will be proud of and want to inhabit for many years to come.

Transport Assessment

A Transport Assessment was submitted in support of the application originally. An addendum TA was also submitted at the request of the Local Planning Authority to review the A631 Bawtry Road/Morthen Road roundabout junction. The TA looks at the transportation issues relating to the application site and concludes that the scheme accords with local and national policy to site development adjacent to good transport linkages and other attractions so as to minimise trips and share trip movements.

It states that traffic flows have been assessed for up to date levels and had no capacity issues based on a robust view of the flows and no capacity issues are expected to arise with the junction itself. As such the scheme would have little or no impact on the local network.

Biodiversity Report & Surveys

A report was originally submitted in support of the application, and this has been updated to include issues raised by the Local Planning Authority. The report concludes that the majority of the site, being short ephemeral vegetation on arable land, supports species-poor habitat which is not considered a constraint to development.

Hedgerows found along the boundaries present habitat of slightly greater ecological value and these features should be retained and protected where possible. The report proposes Ecological Enhancement in the form of bat and bird boxes to be incorporated

into a number of the new builds, and the use of native species throughout the landscaping.

Air Quality Assessment

Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of earthworks and construction activities. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level.

Potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was therefore undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network both with and without the development in place. Results were subsequently verified using local monitoring data. Review of the dispersion modelling results indicated that predicted air quality impacts as a result of traffic generated by the development were not significant at any sensitive location in the vicinity of the site.

Based on the assessment results, air quality factors are not considered a constraint to the development.

Arboricultural Report

The tree survey was originally submitted with the planning application, however an amended tree survey has been submitted to include shadow plans of the trees. The survey concludes that the trees were generally found to be in good order and that there are two groups of trees and one tree outside the application site which are protected by a Tree Preservation Order. No trees are proposed to be removed as part of the proposal.

Flood Risk Assessment

This report states that the site does not lie within the area shown on flood maps as at risk and is not at significant risk of flooding from any source. The site can be drained by infiltration techniques. In areas where soakaways are suitable individual plot soakaways shall be utilised. Outside of these areas the surface water run off shall be directed into a below ground system, which discharges to infiltration basins at the northern part of the site. Foul water from the site will discharge to the public combined sewer in Second Lane via a gravity connection.

Historic Environment Assessment

An initial Archaeological Assessment was submitted with the planning application. It concluded that there is no recorded archaeological evidence of prehistoric activity within the proposed development site, although there was evidence for these periods in the form of cropmark features and chance finds within the study area. Therefore, there may be potential for the survival of prehistoric or Roman sub-surface features within the site. It is probable that the majority of the proposed development site has remained primarily in agricultural use since at least the medieval period, and this may have helped to preserve unrecorded earlier buried archaeological features or deposits.

The proposed development will not cause 'harm' to the setting of any Listed Buildings or other nationally or locally designated heritage assets within 1km of the site boundary or

beyond. The proposed development will not alter the character of the Wickersley Conservation Area.

Geo-environmental Appraisal

This states that ground conditions typically comprise medium sands and gravels (granular residual soils) over Wickersley Rock Sandstone bedrock at an average depth of 2.2m. Stiff clays (cohesive residual soils) are predominantly present in the far south of the southern parcel; where the underlying bedrock is siltstone, also encountered at an average depth of 2.2m.

This site is underlain by Wickersley Rock Sandstone bedrock, and the shallowest coal seam (Brecks Coal) is likely to lie at sufficient depth so as not to pose a risk to the surface, especially given its very limited thickness (max. 0.35m). Whilst the site lies within a Coal Authority Low Risk area, no significant risks have been identified, and an intrusive mining investigation will not be required. There are no known or suspected areas of landfilling within 250m, and the site is not in an area considered susceptible to mines gas, nor is it underlain by shallow mineworkings.

Interim Travel Plan

This is submitted as a strategy to sustainably manage the number and types of trips generated by a development thus reducing the need to travel in the first place. The report concludes that the site is considered to be accessible by public transport, walking and cycling in accordance with planning policy guidance for a semi-rural area.

Affordable Housing Statement

This states that 27 affordable homes are to be provided through the development which consists of 16 three bed and 11 two bed dwellings.

Statement of Community Involvement

A Statement of Community Involvement was produced in support of the application. This showed that an extensive letter drop was undertaken to around 200 properties within the locality of the site, including working draft of layouts for comment. In addition, both the Parish Council and Ward Councillors were notified of the proposed development and detailed design proposals, with the scheme being presented to Parish Councillors at the 16 January 2017 Parish Meeting.

A total of 19 responses were received during the consultation period. The comments received were reviewed by the applicant. Of the comments raised, concerns largely related to vehicle movements and traffic impacts together with the potential for overlooking and loss of privacy.

It states that the applicants are committed to delivering a high quality residential scheme that will deliver much needed new homes and provide a range of social benefits.

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 (adopted on 27th June 2018) which replaces the Unitary Development Plan (UDP) that has now been superseded.

The application site was allocated for Green Belt purposes in the UDP, however, the recently adopted Sites and Policies Document removes the site from the Green Belt and allocates it for Residential use. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS6 Meeting the Housing Requirement
- CS7 Housing mix and affordability
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS22 Green Space
- CS23 Valuing the Historic Environment
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk
- CS27 Community Health and Safety
- CS28 Sustainable Design
- CS32 Infrastructure Delivery and Developer Contributions
- CS33 Presumption in favour of sustainable development

The Sites and Policies Document – June 2018:

- SP1 Sites Allocated for Development
- SP11 Development in Residential Areas
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP34 Sites Protected for Nature Conservation
- SP35 Protected and Priority Species
- SP36 Soil Resources
- SP37 New and Improvements to Existing Green Space
- SP39 Design and Location of Green Space, Sport and Recreation
- SP42 Archaeology and Scheduled Ancient Monuments
- SP43 Conserving and Recording the Historic Environment
- SP47 Understanding and Managing Flood Risk drainage
- SP52 Pollution Control
- SP54 Contaminated and Unstable Land
- SP55 Design Principles
- SP56 Car Parking Layout
- SP57 Sustainable Construction
- SP64 Access to Community Facilities

Other Material Considerations

Other material considerations include as follows:

South Yorkshire Residential Design Guide

Manual for Streets

Council's Car Parking Standards

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched. It was last updated on 17th September 2018.

National Planning Policy Framework: The NPPF came into effect on July 24th 2018 (replacing the original 2012 version). It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

Publicity

The original application was advertised in the press, on site and by individual neighbour letters; and letters of objection were received from the occupiers of 15 properties along with 1 from Wickersley Parish Council, and a petition with 41 signatures. In addition, 1 letter in support was received. Comments are summarised below –

- The site is within the Green Belt
- The agricultural land should not be lost - the field is needed for farmers to grow crops
- Harm to the countryside
- There is no need for houses in the area
- Pedestrian safety will be impacted by the development
- The roads will not be able to cope with the traffic which will be created, and are already gridlocked/congested
- Highway safety concerns/increase risk of accidents
- Traffic surveys have been undertaken on bank holidays rather than normal working days
- The proposal does not include enough car parking
- Impact of the development on Wickersley Woods
- There is a lot of wildlife in the area which would be affected
- Ecology surveys not undertaken at the correct time of year.
- Who will be responsible for hedgerows?
- Pressure on local services e.g. schools, NHS, Wickersley Centre, Nurseries, Dentists
- Strain on water resources and flooding
- Noise pollution will affect the tranquil peace of the area
- Additional air and noise pollution
- Plot 45 is too close to the boundary
- Plots 42-45 will overlook the existing garden infringing privacy with 4 new dwellings overlooking the garden
- There is a brownfield site in Thurcroft that should be developed first

- HS2 is to run nearby affecting the countryside further
- Impact/loss of existing views
- Will the development be sustainable e.g. solar panels and wind turbines?
- Where will the children play?
- There have already been many developments in Wickersley
- Decrease value of property
- The Council and developers have not followed the correct process
- No direct contact with residents from RMBC or Wickersley Parish Council
- Communication with residents sent at the beginning of school holidays when people are away which is underhand behaviour hope that the Council is not allowing such development in return for financial incentives

Sir Kevin Barron, MP for Rother Valley passed on comments that he had received from a resident raising the following issues –

- The site is Green Belt
- Wickersley is growing and hardly any of the original buildings remain
- When will the country be full?
- Traffic congestion
- Local facilities – schools, doctors increase demand on parking
- Infill development is favourable to that on Green Belt Land
- Increased emissions
- Other derelict areas should be developed instead of Green Belt.

Wickersley Parish Council's comments are summarised below –

- The development should have 2 points of access, however the one-way proposal on Second Lane is unacceptable and dangerous to pedestrians. Second Lane should be widened with a footpath provided.
- The development should reflect the local environment as well as creating a character of its own. The site should sit within a stronger landscape framework. Existing trees and hedgerows should be retained. There should be a 5m buffer to the Green Belt Boundary.
- The proposal is a regimented layout with uninspiring standard house types. There should be a more flowing street pattern picking up some of Wickersley's local vernacular.
- Affordable Housing is supported, however the market housing is almost all 4 bedroom detached homes which does not reflect the needs of local people.
- The Affordable Housing parking should not be at the front with long lines of hard surfacing.
- Strain on local highway network and local services e.g. schools and medical centres
- All mature trees should be accommodated in the development
- Clarification is required on drainage matters and emissions

A petition had been received which includes the same letter signed by 41 people. All 41 letters request the Right to Speak at the Planning Board meeting.

The contents are summarised below –

- The site is Green Belt and should be protected.

- The design is out of keeping with the area
- The density of the site is too high.
- Second Lane is used by many walkers, so will be unsafe
- Increased demand on local services
- None of the Parish Council issues have been addressed
- The community has not been involved in the application.

Following adoption of the Sites and Policies Document which removed the application site from the Green Belt and now allocates it for residential purposes, the amended application was re-advertised in July 2018 and objection letters were received from the occupiers of 49 properties. Additional comments to those above are summarised below

–

- Access is inadequate for the number of dwellings
- Access is not adequate for emergency vehicles with cars parked on the road
- There is no parking in Wickersley centre; the development will exacerbate the traffic and safety problems.
- Highways safety implications on Morthen Road; Morthen Road/Bawtry Road roundabout; traffic speeds; junctions with Morthen Road; inclusive provision for all road users; insufficient footpaths
- Existing footpaths are inadequate
- Smaller routes close by are already used as cut throughs
- Inadequacies with the submitted traffic survey and travel plan
- Roads are congested in winter when there is snow and ice.
- Already issues with water pressure in homes
- Will it make existing problems with sewage treatment plant worse?
- A tree has been illegally removed from the top of Nethermoor Drive which would have been an issue for access.
- The loss of hedgerows and ecology. Why are existing hedgerows not protected?
- Houses cannot be constructed without the removal of trees
- The proposal destroys the landscape and openness enjoyed by existing residents
- There is no justification to locate two storey dwellings immediately adjacent to existing bungalows.
- The terrace house is not dissimilar to slum housing
- No attempt to introduce buffer zones to lessen impact on existing residents
- Terrace properties located close to existing properties, with larger new dwellings being located adjacent to the Green Belt
- Privacy should be protected by appropriate fencing.
- Out of character and over-dominant in the landscape.
- Spacing standards should be increased adjacent to existing residents as a human right, as it is disrespectful
- Contrary to South Yorkshire Residential Design Guide
- A Design Review is requested as endorsed by the Design Council with the support of the RTP1
- There should be a landscape buffer to all existing properties
- There are no bungalows on the site
- New properties will block out the sunset in the evening
- Increased traffic noise on Nethermoor Drive
- The village atmosphere in Wickersley will be destroyed
- How can the development be considered if the Neighbourhood Plan is not published.

- The effects will impact on mental health of existing residents
- Where will all the new residents work?
- The development does not bring any benefits to the local community
- The proposal detracts from the quality of the area
- Loss of existing levels of lifestyle, life changing and mentally harmful
- Have land levels been considered
- There is inadequate access and parking at Winthrop gardens
- Is the verge at the entrance highway land? Do the Council have the right to sell the land to the developer to the benefit of ratepayers?
- Building process will be harmful to children's health, as was the recent archaeological work
- Archaeological digs forced residents to evacuate their properties
- Have submitted reports been scrutinised?
- No justification for such a large estate
- Provide living space in empty units in Rotherham Town centre
- The 21-day publicity is not long enough to look at all the information

Wickersley Parish Council have added to their previous comments stating –

- The development needs two points of access
- There is a proposed pedestrian link to Second Lane but no provision of a footpath.
- A survey as part of the Wickersley Neighbourhood Plan indicates that there is a need for a greater variety of house types and sizes to reflect local housing need and the policies of the Local Plan.
- Although highway improvements to the Masons roundabout are included on the CIL 123 List, the development should only be allowed if an acceptable junction improvement can be brought forward that is funded by the developer to mitigate the unacceptable impact, and make provision for safe pedestrian crossing.

The 'WRONG' Campaign (Wickersley, Rotherham's Own Natural Greenbelt) have submitted a letter of objection, and also have instructed an Environmental Lawyer and Ecological Consultant who have submitted comments on their behalf, which are all summarised below –

- Scale of development
- Impact on Infrastructure
- Destruction of openness
- Reducing quality of life
- Green Belt Objection – this should be reconsidered
- 5m buffer with Green Belt should be provided
- Green Spaces should be provided and managed
- Master planning is required
- Flooding is possible
- Second Lane junction with Morthen road is substandard
- Lack of passing points on Nethermoor Drive due to on street parking
- Lack of emergency vehicle access
- Lack of pedestrian access on Second Lane
- Unacceptable access for horses and cycles
- Winthorpe promotes parking on Morthen Road

- No crossing point at Morthern Road/Bawtry Road roundabout
- What has RMBC done to address access to local facilities.
- Lack of school places, parking, dentist, doctors etc.
- Flooding issues
- Sewerage issues
- Overlooking
- Loss of privacy
- No relationship with the scale, spacing, character of existing area
- Lack of bungalows
- Minimum spacing standards
- Decrease in quality of life for existing residents
- Increase in noise disruption
- Hedgerows should be protected
- Loss of wildlife
- Contrary to National and Local Policies
- No benefits for the community
- Inappropriate behaviour through the planning process
- Maladministration – documents are not uploaded onto the website in a timely manner
- Planning application details published/consultation time in holiday times
- Objections not responded to
- Not following correct process
- Distress caused to existing residents
- A proposed HS2 construction depot will increase traffic, and should be taken into consideration when assessing the application.
- The site does not have sufficient open Green Space
- The combination of both sites either side of Second Lane should be considered
- An EIA Screening Opinion should have been carried out due to two application sites close to each other.
- The application should not be taken to Planning Board until independent consultant reports are provided by the objectors
- The proposal would adversely harm Wickersley Woods, which is an ancient woodland. No mitigation or compensation is proposed

One letter of support to the original round of publicity states-

- The additional housing is needed in the area.

15 individuals have requested the Right to Speak at the Planning Board meeting including representatives from the WRONG campaign group, as well as Wickersley Parish Council and 41 people who signed the petition. The applicant has also requested the Right to Speak.

Consultations

RMBC - Transportation and Highways Design: Confirms that the amended scheme complies with both the guidance and principles of The South Yorkshire Residential Design Guide and Manual for Streets and that the proposed car parking facilities comply with the Council's minimum residential standards. The proposal is acceptable in terms of traffic impact and is in a sustainable location. Subject to the applicant entering

into a S106 agreement for the sustainability contribution and to suitable conditions, no objections are raised to the granting of planning permission in a highways context.

RMBC - Leisure and Green Spaces Manager: No objections. The developer has taken into consideration all the issues raised regarding the green space across the application site which is acceptable in terms of its quantity and layout.

RMBC - Tree Service Manager/Consultant: No objections

RMBC - Landscape Design: No objections subject to relevant conditions to secure the relevant landscape features.

RMBC – Drainage: No objections are raised subject to conditions.

RMBC - Affordable Housing Officer: No objections

RMBC – Ecologist: No objections subject to relevant conditions

RMBC - Environmental Health: No objections subject to informative regarding the operational development phase.

RMBC - Environmental Health (Air Quality): No objections in terms of air quality subject to a condition requiring the provision of electric vehicular charging points.

RMBC – Environmental Health (Land Contamination): No objections subject to relevant conditions to ensure that risk from land contamination to the future users of the land and neighbouring land are minimised.

RMBC – Education: This will fall under the CIL for Primary Education

South Yorkshire Archaeological Service: No objections subject to suggested conditions

Severn Trent Water: No objections subject to suggested conditions.

Rotherham NHS – Local GP surgeries are at capacity and investment will be required to increase that capacity on completion of houses planned to be built in the future. CIL money would be applied for to assist to manage capacity, potentially in the form of a new build to house the existing practices and allow for expansion.

Environment Agency – The application is deemed to be outside the scope of the issues that they wish to be consulted on, they therefore have no comments or objections to the development.

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.

Paragraph 11 of the NPPF states, in part, that: “Plans and decisions should apply a presumption in favour of sustainable development.” It goes on to state that “For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. (footnotes omitted)

The main issues to take into consideration in the determination of the application are –

- The principle of the development
- Design, layout and scale
- Provision of open space on the site
- Transportation issues
- Drainage and flood risk issues
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Impact on existing/proposed residents.
- Heritage issues
- Affordable Housing provision
- Other issues raised by objectors
- Planning Obligations

The principle of the development

The application was allocated as Green Belt within the former UDP, however the Local Plan Sites and Policies Document which was adopted on 27th June 2018 removes the site from the Green Belt and re-allocates it for Residential use. It forms Housing Site H62 (total area of 3.99 hectares) and the Sites and Policies Document indicates that the total site has a capacity of approximately 128 dwellings.

Policy CS1 ‘Delivering Rotherham’s Spatial Strategy’ states, in part, that: “*Most new development will take place within Rotherham’s urban area and at Principal Settlements for Growth*”. Bramley, Wickersley and Ravenfield Common are identified as one of the Principal settlements for growth which is to provide 800 dwellings as part of the Local Plan.

Policy CS3 ‘Location of New Development’ states, in part, that: “*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.”

Policy SP1 ‘Sites Allocated for Development’ identifies sites that are allocated for development and contribute to meeting requirements set out in the Core Strategy. SP1 allocates the site as H62 for a total of 128 dwellings.

Policy SP11 ‘Development in Residential Areas’ states, in part that: *“All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.”*

With the above policies in mind the site has now been allocated for Residential use as part of the adopted Local Plan and as such the principle of residential development is acceptable. Whilst the number of dwellings on the site (108 houses) is slightly less than the 128 set out in the Sites and Policies Document, it is considered that the density of the proposed development is appropriate for this site. The sites identified for development within the Plan are intended to promote sustainable development and assist in delivering priorities and objectives of the NPPF and the adopted Core Strategy. Through the Local Plan process the site was identified as a result of extensive consultation and a site appraisals process, including a Sustainability Appraisal, and assessed in terms of a range of social, economic and environmental factors. The Sites and Policies Document identifies that the site is sustainable in principle for residential use.

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.”*

In relation to this site, Wickersley Social Club, Wickersley Bowling Club and a hair salon are located within the 800m distance specified within the policy. However, slightly further than this distance is Wickersley centre which is within a 15 minute walk and contains a range of shops, pubs, restaurants, takeaways, library, bank, pharmacy and other amenities. The text to policy SP64 recognises that flexibility will be required in certain circumstances and it is also noted that the Sites and Policies Document did not specifically require any provision of Community Facilities on the site. It is therefore considered that the application site has good access to a wide range of shops and services mainly within Wickersley Centre.

With relation to the increase in the local population that the development would result in and the impact on local services it should be recognised that the process to allocate these sites has taken place over a number of years with many rounds of public consultation, and infrastructure providers were involved in the process in order that they

could align their service and delivery plans to the provision of residential development across the Borough.

With regards to GP Surgeries, the NHS note that these are at capacity and investment will be required to increase that capacity on completion of houses planned to be built in the future. CIL money would be applied for to manage capacity, potentially in the form of a new build to house the existing practices and allow for expansion. The CIL Regulation 123 List includes the provision for a contribution to improvements to GP surgeries.

With regards to the impact on schools, the Head of Education notes that the application falls under the CIL for Primary Education.

In conclusion it is considered that the proposed residential development is acceptable in principle on this allocated site. The development is therefore considered to accord with Local Plan Policies CS1, CS3, SP1, SP11 and SP64, and the provisions of the NPPF.

Design, layout and scale

Policy CS28 'Sustainable Design' states, in part, 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..... Design should take all opportunities to improve the character and quality of an area and the way it functions."* This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

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

Policy CS6 'Meeting the Housing Requirement' further states, in part, that: *"Housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area."*

The NPPF at paragraph 124 states, in part, that: *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 130 adds, in part, that: *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."*

The National Planning Practice Guidance, notes at ID: 26-004-20140306 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 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 existing properties within the locality vary considerably in architectural design, size, layout and building materials which means that there is not one predominant character.

The design, appearance and materials of the properties have been amended through the application process as a result of discussions with the Council to improve the overall appearance of the development. The original materials proposed were a mixture of red and buff bricks with two properties containing render features. The amended scheme proposes a majority of red brick properties, with some artificial stone properties, and a total of 21 properties containing render on key plots. Additionally, car parking areas at the front of properties have been amended to include some areas of planting to soften the street scene within the development site. Boundary treatments have also been carefully assessed to ensure that a high quality environment is created.

The scale of the dwellings is considered to be appropriate and similar to the scale of some of the differing house types surrounding the site. In relation to density, it is noted that some of the detached properties along Morthen Road are built at a lower density, however it is also noted that properties on Newall Avenue have a higher density. Furthermore, the site allocation in the Sites and Policies Document indicates that the site is suitable for approximately 128 dwellings, which is 20 more than proposed within this scheme.

As a result it is considered that the amended scheme will provide a pleasant suburban layout suitable for this edge of settlement location. The mix of dwelling types is varied with 2, 3 and 4 bedroomed properties, all are 2/2.5 story with no bungalows proposed. The majority of the dwellings are detached with affordable units being provided in small terraces, as such the overall scheme is considered to provide a good mixed community. Whilst the majority of the affordable units are proposed to the western and southern boundary, there are non-affordable properties located within, and opposite them in the layout, which is considered appropriate for a site of this size. It is noted that there are no policies which would require the provision of bungalows on this site.

The scheme also includes areas of Public Open Space and the provision of a children's play area to the north of the site. There is also a comprehensive landscape scheme to be implemented including the provision of a 5m landscaped buffer between the rear gardens of dwellings and the Green Belt, as well as hedgerows and planting to the north to provide an attractive frontage to Second Lane.

Having regard to all of the above, it is considered that the layout and design of the proposed development as amended, offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore it is considered to accord with the above Local Plan Policies, as well as the general principles and goals set out in the NPPF. The applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form, and the site's location adjacent to the Green Belt.

Provision of open space on site

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 by:*

- a. *Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development*
- b. *Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required*
- c. *Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development*
- d. *Considering the potential of currently inaccessible green space to meet an identified need.*
- e. *Putting in place provision for long term management of green space provided by development*
- f. *Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.*
- g. *Links between green spaces will be preserved, improved and extended by:*
 - i. *Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature*
 - ii. *Creating or extending green links where feasible as part of green space provision in new developments."*

Policy SP37 'New and Improvements to Existing Green Space' states, in part, that: *"Residential development schemes of 36 dwellings or more shall provide 55 square metres of green space per dwelling on site to ensure that all new homes are:*

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

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

The development is for 108 dwellings and as such the requirement is for 5,940sqm of open space provision on site. The scheme has been amended to increase the amount of open space on the site, which has resulted in the loss of one plot, and now taking into account the open areas and the significant landscape buffers, the scheme achieves the required amount in line with the Policy.

In addition to the open space areas the scheme also includes the provision of a LEAP in the north eastern corner. The LEAP is a 'Local Equipped Area for Play' specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live. As such, all dwellings on site would be within 400m of an equipped play area.

Policy SP39 'Design and Location of Green Space, Sport and Recreation' outlines the principles to be followed when new play spaces are designed, and it is considered that the proposed areas and equipment within the scheme are acceptable in this respect.

It should be noted that all the areas of public open space, including the 5m landscaped buffer with the Green Belt and the hedgerow to the north of the site adjoining Second Lane, are proposed to be maintained by a management company which would be secured by a Section 106 legal agreement.

Taking the above into consideration, it is considered that the scheme provides an appropriate amount of open space as well as play equipment on the application site and accords with the above Local Plan Policies.

Transport issues

In assessing highway related matters, Policy CS14 'Accessible Places and Managing Demand for Travel,' notes in part, "*that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst other):*

- a. *Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.*
- g. *The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed."*

Policy SP26 'Sustainable Transport for development' states, in part, that "*Development proposals will be supported where it can be demonstrated that:*

- a. *as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*
- b. *local traffic circulation, existing parking and servicing arrangements are not adversely affected;*
- c. *the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. *schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access."*

The NPPF further notes at paragraph 108: *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

Paragraph 109 states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Paragraph 111 goes on to note that: *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

The site development guidelines for H62 as set out in the Sites and Policies Document states that: *“Vehicular access solely from Nethermoor Drive with a pedestrian / cycle link to Second Lane would be acceptable in principle. However additional land will be required to improve Second Lane should it be intended to provide a road link with Nethermoor Drive. A footway on the northern side of Newhall Lane connecting with Morthen Road is desirable. The above considerations should be addressed in more detail in a Transport Statement to accompany any future planning application.”*

The original application was submitted with two points of vehicular access proposed into the application site, one off Nethermoor Drive and one off Second Lane. There have been lengthy discussions between the applicants and the Council which have ultimately resulted in the amended scheme showing only one vehicular access/exit point into the site via Nethermoor Drive. The vehicular access has been removed from Second Lane as the Council consider that it is unsuitable to cater for the additional vehicular traffic that the development would have created, unless improved

The original application was submitted with a Transport Assessment, however additional information was requested from the developers to take account of the cumulative impact of this development and the development proposed in close proximity under planning application RB2017/0514 (for 48 dwellings on land to the north of Second Lane – currently undetermined).

The Council’s Transportation Unit consider that the amended scheme now complies with both the guidance and principles of The South Yorkshire Residential Design Guide and Manual for Streets, and that the proposed car parking facilities comply with the Council’s minimum residential standards.

The submitted Transport Assessment and updated reports look into both the traffic impact the development will have on the surrounding highways and the sustainability of the site in terms of its location and access to facilities.

Traffic Impact – It is considered that the anticipated trip generation is reasonable for a development of this type. A survey of peak hour traffic was carried out on Tuesday 13th

September 2016 to establish a baseline against which the effects of development traffic could be assessed. Traffic growth has been estimated using TEMPRO and for robustness the South Yorkshire growth rates have been used to derive base traffic flows for the study network in 2017 and 2022.

Morthen Road Junction analysis – For robustness all of the predicted traffic has been assigned to turn right from the site onto Morthen Road across the southbound flow. These factors have been applied using the PICADY modelling programme to the site access. The program demonstrated that the junction will operate well within its design capacity and that queuing will not be a problem. In addition a condition is recommended that would require the relocation of an existing telegraph pole on the northern side of this junction to improve visibility further.

A631 (Masons Roundabout) Junction analysis- Using ARCADY the Transport Assessment has analysed the effect the development will have on this roundabout. The analysis demonstrated that the roundabout is already above capacity and that the additional traffic will add to this. However, it is considered that the additional traffic would not have an unacceptable impact on highway safety and that the residual cumulative impact on the road network would not be severe. In reaching this view the Transportation Unit has taken into account that the Transport Assessment (which uses robust assumptions about traffic growth) shows that there will be an increase in queuing without the development and the development will contribute only an additional one or two vehicles to the maximum queue on any arm of the junction in 2022. It should be noted that the roundabout is on the CIL Regulation 123 list of schemes for future improvement, which will aim to improve the existing roundabout and traffic associated with it.

Car and Cycle Parking - The proposed parking provision complies with the council's minimum standards. Secure cycle parking should be provided for each house, this will be covered by a Travel Plan to be submitted by the applicant.

Pedestrian Accessibility - Pedestrian links in the area are good and comprise a combination of footways alongside the carriageway and public rights of way. Whilst the site specific details state that a footway on the northern side of Newhall Lane connecting with Morthen Road is desirable, it is noted that a footway is available on the southern side for pedestrians to use, and so this is not required for this site. In respect of the potential use of Second Lane by pedestrians, this would be relatively limited as the majority of the dwellings on the site would have more convenient access via Nethermoor Drive to Morthen Road. The site, therefore, complies with guidance in terms of pedestrian accessibility.

Public Transport - The Transport Assessment's claim that the site is accessible by public transport is accepted. On average there is a bus every 20 minutes in each direction along Morthen Road, these serve Thurcroft, Rotherham and Worksop.

Cycling Accessibility - The site is well located to provide cycle access to local leisure, shopping and recreational facilities as well as access to employment opportunities. The site is considered to be well located for access to and from a wide variety of destinations within 5km.

Road Safety - There are relatively few recorded accidents within the vicinity of the site and as such no significant road safety problem.

Sustainability - In relation to the sustainability of the site, and its relative proximity to local services and facilities, it is noted that the site would provide the opportunity for residents to walk to their local school. St Albans Primary and Wickersley Northfield Primary are within recognised walking distances. In relation to secondary schools walking is considered a realistic mode of travel as Wickersley School and Sports College is well within the recognised walking distance of 2 miles.

For retail trips the shopping area at Bawtry Road is considered to be within an acceptable walking distance.

Additionally, in order to promote sustainable travel a Section 106 agreement would secure a contribution to the Council of £500 per dwelling which would be used on local improvements to aid sustainable travel.

With the above in mind the proposed site is considered suitable for the number of traffic movements off the new single access. The proposed visibility is acceptable and the provision of on-site parking spaces accords with the Council's minimum requirements. The traffic impacts of the site, also taken cumulatively with the proposed site across Second Lane, are considered to be acceptable. Furthermore the site is considered to be in a relatively sustainable location close to local bus stops on Morthen Road and within walking distance of a number of amenities and shops in Wickersley Centre, and schools. The proposal therefore satisfies the provisions of the above Local Plan Policies and the NPPF.

In regards to objections about the increased traffic due to HS2 it should be noted that the application site is not within the HS2 Safeguarding buffer zone.

The HS2 timeline states that construction works on Phase 2b are likely to commence in early 2024, and that the plans are currently in draft form only. It is also noted that any construction traffic associated with this will be temporary in nature, so any effects would be transient. With the above in mind it is not considered that the submitted Transport Assessment requires amendments in this regard.

Drainage and flood risk issues

Policy CS24' Conserving and Enhancing the Water Environment' states:

"Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:*
 - i. the natural geomorphology of watercourses,*
 - ii. water quality; and*
 - iii. the ecological value of the water environment, including watercourse corridors;*
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies*
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;*
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,*

- e. *dispose of surface water appropriately according to the following networks in order of preference:*
 - i. *to an infiltration based system wherever possible (such as soakaways)*
 - ii. *discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)*
 - iii. *discharge to a public sewer.”*

Policy CS25 “Dealing with Flood Risk” states, in part, that: *“Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall.”*

Policy SP47” Understanding and Managing Flood Risk and Drainage” states, part, that:

“The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;*
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) inappropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and*
- c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.”*

Paragraph 163 of the NPPF notes in part that: *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.”*

The applicant’s Planning Statement confirms that the site is within Flood Zone 1 as shown on the Environment Agency maps, meaning that it is very unlikely to flood and that the sequential test is satisfied.

After detailed discussions with the Council’s Drainage Engineers the application proposes that the foul drainage will discharge to the existing public combined sewer in Second Lane. Surface water will be taken to soakaways in the parts of the site where ground conditions permit and surface water from the highway only will be attenuated in a storage tank and discharged to the existing highway drainage system in Second Lane.

Severn Trent have commented on the application stating that they have no objection regarding sewerage subject to a condition requiring the submission of further details. Objections have been received from local residents relating to issues surrounding the public sewerage system, however this is controlled by Yorkshire Water, who have no objections to the proposal.

The Council's Drainage Engineer has no objections to the application regarding drainage or flood risk subject to the recommended conditions being attached to any permission given.

Having regard to the above and subject to the recommended conditions it is considered that the proposals accord with the above Local Plan Policies and the advice within the NPPF.

Ecology/Biodiversity matters

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

Policy SP33 'Conserving and Enhancing the Natural Environment' states, in part, that: *"Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,"* and adds that: *"Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes."*

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

- a. Protected species;*
- b. Species of principal importance for the conservation of biodiversity;*
- c. Species prioritised for action within the Rotherham Biodiversity Action Plan;*
- d. Populations of species associated with statutorily protected sites. Measures to mitigate and, or compensate for, any impact must be agreed prior to development commencing and should be in place by the time development is brought into use"*.

The NPPF further advises in part of paragraph 170 that: *"Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):*

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"*

The applicant's Ecology Report is considered to be an accurate record of the ecological interests on the site and its assessment is accepted. Its recommendation for biological enhancements (bat and bird boxes) is also accepted, and should be secured via appropriate planning condition. Informatives are also suggested in relation to the use of wildlife friendly lighting, and in relation to site clearance outside of the bird nesting season.

Additionally, the proposal provides for the provision of a 5m landscape buffer to the Green Belt boundary, which adjoins the eastern boundary of the application site. This will be maintained by a management company, as will the hedgerow along the Second Lane frontage of the site, the provision and retention of which will be a biodiversity enhancement.

Policy SP34 'Sites Protected for Nature Conservation', states in part, that; *"Development that would either directly or indirectly, adversely affect a non-statutorily protected site will not normally be permitted"*.

Wickersley Woods is a Local Wildlife Site and recognised as an Ancient Semi-Natural Woodland, which is a non-statutory protected site, though it is located over 250m from the application site. Wickersley Wood is managed by Wickersley Parish Council and has an approved Management Plan for the period of 2017-2021. This states that *"the wood is highlighted as a Community Wood, to be managed primarily for public access, informal recreation and their wildlife value, and will generally be used by people living locally"*. It also states that *"as the wood is also located along the path of a Green Link it may attract visitors from a wider area. The wood is an ancient, predominantly semi-rural site, and the majority of the woodland is characterised by 30-70 year old regeneration of silver birch and sessile oak"*.

Whilst the proposal could lead to increased public use of the wood, it is noted that it managed for recreation purposes, as well as other reasons, and is already well used by local people. The Wickersley Woods Management Plan states *"that public recreation and access is popular but low key and generally informal with no serious conflicts"*. Additionally, work is planned to ensure the woodland continues to be 'welcoming to visitors'. Therefore, due to the active management of the woods, it is considered that the current application will not have an adverse effect on Wickersley Wood.

Policy SP36 'Soil Resources' states, in part, that "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..... 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. Measures to incorporate green space and sustainable drainage elements that retain permeable surfaces, allow water infiltration, reduce soil erosion and maintain natural soil functions will be supported. Measures that waste soil resource, reduce soil quality, compact or pollute soils or that create a predominantly impermeable surface should be avoided."

The proposal does include areas of green open space and sustainable drainage methods are to be used. For this reason it is considered appropriate to attach a condition that requires the submission of details of the quality of soils on site and their movement and temporary storage during construction to ensure that the character of the soil is conserved.

With this in mind it is considered that the proposals accord with relevant Local Plan Policies as well as guidance within the NPPF.

Landscape and trees matters

Policy CS19 “Green Infrastructure” states, in part, that: *“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 network based upon the principles set out below –*

d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.”

Policy CS21 ‘Landscapes,’ states, in part, that: *“New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.”*

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

The site has been assessed as being of Medium Sensitivity to change and of Medium Capacity to accommodate residential development as part of the landscape capacity assessment undertaken by the Council in May 2012. The site lies within the local character area 8: ‘Central Rotherham Coalfield farmland’, which is described as generally being of moderate strength of character but poor condition. The focus of landscape management proposals for this character area, given its character and condition, should be to improve and restore features which contribute positively to its overall character.

The Council’s Landscape Design Section has highlighted a number of issues that have been taken into consideration through the application process. These include the provision of –

- A 5m buffer planting at the Green Belt boundary – the careful design of a landscaped native buffer along the Green Belt boundary.
- Strengthening the boundary vegetation with the Green Belt and Second Lane.
- Incorporation of ornamental hedgerows in runs of parking bays.
- The use of larger specimen trees to provide a greater impact.

It is therefore considered that the proposed landscaping scheme submitted in support of the application is acceptable. In addition a significant amount of Public Open Space is also proposed on the site.

In relation to trees an Arboricultural Survey has been submitted in support of the application, which identifies a limited number of trees and hedgerows located along the northern, southern and western edges of the site. To the south east corner of the site, just outside of the application site three trees identified as G17, T18 and G19 are protected by Tree Preservation Order No. 10, 1995. No trees are identified as requiring to be removed to facilitate the development. There were issues raised regarding a proposed residential plot in the south eastern corner of the site, and the extent of shading from the protected tree just outside the site. After discussion and to assist in

the provision of an increased area of Public Open Space, the dwelling has been omitted from this corner.

The majority of the northern hedgerow is to be retained and managed by a management company. The hedgerow along the western and southern boundaries is to be retained and pruned with the provision of a 1.8m high hit and miss timber fence to the rear of the gardens of the proposed dwellings. This will allow the hedgerow to be retained, and the type of fencing proposed would allow sunlight to the hedge which would thereafter be maintained by the occupiers of the proposed and existing dwellings.

A 5m wide landscape buffer is to be provided along the eastern boundary with the Green Belt, and a 1.8m high hit and miss fence is to be located at the rear of the gardens to provide security for future occupiers. The intention is to grow the buffer which will completely screen this fence line from view outside of the site and the post and rail fence in front of the landscape buffer gives a rural edge to the development. Due to concerns about the initial visual impact of the development from the Green Belt to the east, the applicant has offered to plant up this boundary early in the development phase so that the vegetation can establish before this part of the site is developed, or increase the maturity of the initial planting in this area to give instant screening.

Objections have been received regarding the removal of a tree and some hedgerow at the proposed site access. The tree was not protected by a Tree Preservation Order and as such the Local Planning Authority has no control over its removal. Other issues relating to this matter are not material planning considerations.

Therefore subject to relevant planning conditions, the proposal is considered to be appropriate in relation to its impact on trees and hedgerows at the site.

The proposal is therefore in accordance with the above Local Plan policies .

General amenity issues – contaminated land, noise and air quality

Policy CS27 'Community Health and Safety' states, in part, that: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.*

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality."

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

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.*
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.*

c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.

d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.

e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”

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

a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse 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.”

In respect to the above, supporting information was submitted with the application in relation to land contamination issues. The Council’s Environmental Health section have assessed the information and have commented that the site comprises of a parcel of arable farmland which has historically been open/agricultural land from approximately 1888. No industrial uses have taken place on the site which could give rise to significant land contamination. Tests carried out on the site conclude that there is a very low risk to future users of the site from contamination. If planning permission is granted conditions are recommended to ensure that any risks for future users is minimised.

In general amenity terms the Environmental Health Section note that the site is adjacent to residential properties and is some distance away from any major noise sources. They note that there is potential for disamenity to occur for existing residents from noise during the construction phase and the working hours of the construction work and machinery used on site and dust and mud from the excavation of the land, construction work and traffic flow of lorries entering and exiting the site.

The site would be accessed via quiet residential streets and due to the level of development proposed it is considered appropriate that a condition is attached to any planning permission to require the submission of a Construction Management Plan to control such issues.

In relation to Air Quality issues, the application was supported by an Air Quality Assessment which concludes that there is potential to cause air quality impacts as a result of emissions during the construction phase, however they are not predicted to be significant. The results indicated that the impact as a result of traffic generated by the development was predicted to be negligible.

The site is not within an Air Quality Management Area. And the Council's Air Quality Officer notes that that Rotherham's Delivering Air Quality Practice Guidance, along with one of the key themes of the NPPF, is that developments should enable future occupiers to make "green" vehicle choices and "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Whilst the Air Quality Assessment did not make any recommendations, it is considered that electric vehicle recharging provision should be provided as part of the scheme as there will be significantly increased demand in future years during the lifetime of this development. It is therefore recommended that if planning permission is granted a condition is attached requiring the submission of details of electric charging points to be provided. Additionally, and as detailed above, a contribution of £500 per dwelling is to be made towards sustainable transport measures.

With the above in mind it is considered that the proposal accords with the above Local Plan policies.

Impact on existing /proposed residents

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

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

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule. Furthermore so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 degree rule.

Further to the above the NPPF at paragraph 127 states, in part, that planning decisions should ensure that developments *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."*

It is noted that there are existing residential properties along the western and southern boundaries of the application site. In terms of the amenity of nearby residents, the site generally adjoins the rear gardens of existing residential properties on Newall Avenue, Nethernoor Drive, Morthen Road, Moatlands and properties off Moat Lane. There have been numerous objections from local residents regarding the impact that the development would have on them in terms of overlooking, loss of privacy and over dominating feel due to the location and number of houses proposed close to the boundaries of their properties.

Whilst it is acknowledged that the proposal would lead to the development of houses in an area where there is currently no development, the dwellings proposed to be located along these boundaries all achieve the minimum separation distances from the existing dwellings, having back gardens with a minimum length of 10m, and achieving the 21m separation distance between rear elevations of properties. A few of the adjacent residents have objected due to the number of dwellings proposed adjacent to their existing rear gardens, and the provision of car parking spaces close to the boundary, and are concerned about the impact of these. However as stated above, the dwellings comply with the minimum separation distances and so would not create any significant overlooking issues, nor are they considered to be overdominant or overbearing. Furthermore, it is not considered that the 5 car parking spaces shown close to the boundary in the south eastern corner of the site would cause a significant amount of nuisance or pollution as they are linked to the overall residential use of the site.

The original plan showed new properties backing onto 16 Nethermoor Drive, however whilst this property is side onto the application site, planning permission has been granted in the past for a large side facing window at first floor level which would look directly over the gardens and rear elevations of Plots 9-11 as originally proposed, and vice versa. For this reason the layout has been amended and an area of Public Open Space has been provided in this location to ensure an appropriate form of development is achieved.

The proposed layout and the impact on the adjoining residential properties has been assessed and section plans at various points have been submitted to take account of land level changes as the site rises from north to south, to ensure that the proposed development is not overbearing in terms of scale and mass. The spacing standards have been achieved, and it is therefore considered that the proposal would not have a significant impact on the existing amenity levels of the occupiers of neighbouring properties.

Objections have been received in relation to loss of views, devaluation of existing properties, and the impact that the development of this once green field site will have on the quality of life and mental health of exiting residents. Again, it should be noted that the site is no longer Green Belt and is allocated for residential use, and its development for this use is therefore acceptable in principle. Other issues relating to loss of views and devaluation of houses are not material planning considerations.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for the size of rear gardens. The original scheme showed that the rear gardens of some of the properties were well below the minimum standards and hence the layout was amended. All the dwellings, apart from plot 24, now achieve the minimum garden size laid out in the SYRDG, and this plot is only substandard by approximately 4sqm, which in relation to the whole scheme is not sufficient to warrant refusing the application.

Issues regarding contaminated land, noise and air quality have been considered as noted above and where appropriate mitigation measures are to be incorporated into the scheme. As such it is considered that the scheme will provide a good standard of amenity for future residents.

Having regard to the above it is considered that the proposed layout is generally in accordance with the guidance outlined in the SYRDG, and that it would not have a significant adverse impact on the amenity of the existing residents as the proposal would not cause any significant loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. The proposal is therefore considered acceptable in accordance with the guidance contained within the SYRDG.

Heritage issues

Policy CS23 'Valuing the Historic Environment' states, in part, that *"Rotherham's historic environment will be conserved, enhanced and managed in accordance with principles set out"*

Policy SP43 'Conserving and Recording the Historic Environment' states, in part that: *"Development proposals that affect known or potential heritage assets will need to provide supporting information in sufficient detail that the impact of the proposed scheme on those heritage assets can be established....., Heritage Statements should consider the impact of the specific development proposed with regard to: the setting of heritage assets on or in the vicinity of the site; detailed archaeological assessment; and the results of field evaluation."*

It is noted that the site is not located within or adjacent to a Conservation Area. The closest Listed Building to the application site is located at Moat Farm approximately 230m to the south east of the site. The building is separated by fields and dense woodland, as such the proposal is not considered to affect its setting.

SP42 'Archaeology and Scheduled Ancient Monuments' stated, in part that *"Development proposals that may impact upon archaeology, whether designated as a Scheduled Ancient Monument or undesignated, will be considered against the following principles:*

- a. development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted;*
- b. the preservation of other archaeological sites will be an important consideration. When development affecting such sites is acceptable in principle, the Council will seek preservation of remains in situ, as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for archaeological recording to ensure an understanding of the remains is gained before they are lost or damaged, in accordance with Policy SP 43 'Conserving and Recording the Historic Environment'".*

The site development guidelines required the proposal to be supported by a Heritage Statement for Archaeology, which was submitted. South Yorkshire Archaeology Service (SYAS) have been liaising with the developers on site who have already carried out Archaeological Field work to their satisfaction. SYAS have also recommended that a condition is attached to any approval to ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained.

It is therefore considered that the proposal is in accordance with the above Local Plan policies, subject to the relevant condition.

Affordable Housing provision

Policy CS7 'Housing Mix and Affordability' states in part, that: "Sites of 15 dwellings or more..... shall provide 25% affordable homes on site."

The proposal includes the provision of 27 units for affordable housing. This is 25% of the whole site and therefore fulfils policy requirements. Two and three bedroom houses are acceptable as proposed. The Council required 75% of the affordable housing units to be brought forward for rented tenure and 25% of the affordable units to be offered for intermediate tenures.

The provision of 27 affordable units is in compliance with Local Plan policy CS7, and its provision would be secured by a S106 Agreement.

Other Comments made by objectors

Numerous objections have been raised by residents, many of which have been considered above, and others are not material considerations to be taken into account in the determination of this application.

Objections have been made that the application should not be considered until a 'Neighbourhood Plan' is prepared, but whilst such a plan is proposed for Wickersley, it has not yet been drafted. There are no planning policies that limit the phasing of development in the Local Plan.

Some residents have claimed that the correct process has not been adhered to and claim maladministration. No evidence has been provided in support of such allegations, and it is not considered that there is any proper basis for them. Officers consider that the application has been considered correctly and fairly, with full opportunity being given to third parties to consider the application and to make comments on it (all of which have been taken into account in preparing this report).

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) 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 56 of the NPPF.

With the above circumstances in mind the following S106 Obligations are recommended should Planning Permission be approved.

- 25% provision of on site affordable housing.
- The contribution of £500 per dwelling towards sustainable transport measures
- Management and maintenance of open space areas on site (including the LEAP and the hedgerow/buffer with the Green Belt.)

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 56 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

Conclusion

The site was previously allocated for Green Belt purposes in the adopted UDP but that Plan has been replaced with the Sites and Policies Document that was adopted on 27 June 2018. The Sites and Policies Document removed the site from the Green Belt and allocated it for 'Residential' purposes. It forms the Housing Site H62 and is located within a suitable distance from Wickersley centre, with many facilities. As such, the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, provision of open space, drainage, ecology and landscaping as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of market and affordable housing provision and associated social and economic benefits arising from such provision. Development in this location will support the ongoing delivery of services and facilities within Wickersley and provide much needed market housing to meet Local Plan targets for housing development within the Plan period to 2028.

Overall the scheme is considered to be in accordance with the development plan and with the policies in the NPPF.

As such, the proposal is recommended for approval, subject to the signing of a S106 legal agreement as set out above and to the following conditions.

Conditions

Article 35 of the Development Management Procedure Order 2015 requires that, where planning permission is granted subject to conditions, the decision notice must state clearly and precisely the full reasons: (i) for each planning condition; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. The reasons for each condition are provided below. Conditions numbered 9, 12, 16 & 20 of this permission are pre-commencement conditions (since they require matters to be approved before development works begin). These are justified as being pre-commencement conditions because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 9, 12, 16 & 20 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to assist in the delivery of development.

02

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

Planning Layout – Drawing No. 378-001 Rev U
Landscape Plan Drawing No. P16-1361.001 Rev I
External Materials & Boundary Treatment Plan Drawing No. 278-003 Rev F
Materials Layout Drawing No. 378-002 Rev K
Site Sections Drawing No. 378-005 Rev D
LEAP Proposals Drawing No.P16-1361.002 Rev A
House Type Plans –
Alderton Brick Drawing No.PD/70/01
Bambrugh Brick Drawing No.PD.14.01
Bamburgh Floor Plans Drawing No.PD.14.00
Baybridge Brick Drawing No.PD/71/01
Birkwith Brick Drawing No.PD/51/01
Buxton Floor Plans Drawing No.PD/85/03
Buxton Brick Drawing No.PD/85/01
Hadleigh Floor Plans Drawing No.PD.01.01
Hadleigh Brick Drawing No.PD.01.02
Nidderdale Brick Drawing No.PD/54/01
Settle V0 Brick Drawing No.PD/56/01
Settle V1 Brick Drawing No.PD/53/01
Tonbridge Brick Drawing No.PD/57/01
Warkworth Floor Plans Drawing No.PD/61/01
Warkworth brick Drawing No.PD/61/02
Windsor Brick Drawing No.PD/55/01
Settle V0 Render/brick Drawing No.PD/53/03
Settle V1 Render/Brick Drawing NoPD/53/03
Warkworth Render/Brick Drawing No.PD/61/03
Settle V0 Stone Drawing No.PD/56/01
Baybridge Stone Drawing No.PD/71/01
Alderton Stone Drawing No.PD/70/01
Settle V1 Stone Drawing No.PD/56/01
Windsor Stone Drawing No.PD/55/01
Tonbridge Stone Drawing No.PD/57/01
Warkworth Stone Drawing No.PD/61/05
Birkwith Stone Drawing No.PD/51/02

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details on the approved Materials Layout Plan Ref 378-002 Rev K.. Prior to the commencement of any overground development samples of the materials shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

The boundary treatment shall be provided on site in accordance with the approved External Materials and Boundary Treatment Plan Ref 378-003 Rev F. The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

Reason

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

Transportation/Sustainability

05

Details of the proposed 'gateway scheme', which shall include the alterations to the footways fronting No's 11 and 16 Nethermoor Drive as shown in draft form on DRG No 378-001 rev U, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of a dwelling.

Reason

In the interest of highway safety.

06

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation. The approved details shall be implemented in accordance with the approved programme of implementation.

Reason

To promote sustainability in accordance with the Local Plan and the NPPF.

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained in accordance with the Local Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

08

Prior to the commencement of any above ground development road sections, constructional and drainage details, and timing of the carrying out of the works, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in accordance with the approved details.

Reason

In the interest of highway safety.

09

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

- details of vehicular routing
- traffic management measures during the construction work;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of any storage on site
- details of loading/unloading of materials/plant;
- details of car parking facilities for the construction staff;
- details of proposed hours of construction on/deliveries to the site;
- details of any lighting;

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

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

10

Details of vehicle electric charging points and the timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable.

Reason

To promote sustainability in accordance with the Local Plan and the NPPF.

11

The development shall not be brought into use until the existing telegraph pole adjacent No. 1 Nethermoor Drive has been relocated within the highway in accordance with

details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to improve visibility at the Nethermoor Drive/Morthen Road junction in the interests of road safety

Contaminated Land

12

Prior to development commencing further chemical testing of topsoils (following a site strip and stockpiling exercise) shall be undertaken to assess for contamination including asbestos. These soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination and the results will need to be provided to the Local Planning Authority for review and comment.

Reason

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

13

In the event that during development works unexpected significant contamination (including asbestos containing materials) is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with the approved details.

Reason

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

14

If subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report. The site shall not be brought into use until such time as all validation data has been approved by the Local Planning Authority.

Reason

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

Ecology

15

Details of the number, style and location of bird and bat boxes to be located within new build dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within the development.

Reason

In the interest of local ecology in accordance with the Local Plan and the NPPF.

Archaeology

16

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason:

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

Landscaping and Trees

17

Prior to the commencement of any over ground development an implementation timetable/phasing plan for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping of the site as shown on the approved plan (drawing no. P16-1361.001 Rev I) shall be carried out in accordance with the approved implementation timetable/phasing plan. 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 and in accordance with the Local Plan

18

Details of the 5m planted buffer along the eastern boundary of the application site shall be submitted and approved in writing by the Local Planning Authority. The details shall include the species, planting sizes and timing of the planting. The approved details shall be implemented in accordance with the approved details and timetable.

Reason

To ensure that there is a well laid out planted buffer along the boundary of the application site and the Green Belt to reduce the visual impact.

19

Within 5 years of the commencement of the works no tree or hedge shall be cut down, uprooted or destroyed nor shall any tree or hedge be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted in the immediate area and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

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

20

Prior to the commencement of any development a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, shall be submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the approved details. The submitted details shall include a detailed Tree Protection Plan.

Reason

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

21

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with the Development Plan.

Play Area

22

A timetable for the installation of the LEAP as shown on approved plan P16-1361.002 RevA shall be submitted to and approved in writing by the Local Planning Authority. The LEAP shall be implemented in accordance with the approved timetable.

Reason

In the interests of the amenity of the residents in accordance with the Local Plan.

Levels

23

Prior to the commencement of any above ground development details of the finished floor levels of the approved properties shall be submitted and approved in writing. The development shall be implemented in accordance with the approved levels.

Reason

For the avoidance of doubt and in the interests of the amenity of the existing residents adjoining the site in accordance with the Local Plan.

Drainage

24

Prior to the commencement of any above ground development details of a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

To ensure that the development can be properly drained in accordance with the Development Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications

25

Prior to the commencement of any above ground development a flood route drawing showing how exceptional flows generated within or from outside the site will be managed, including overland flow routes, internal and external levels and design of buildings to prevent entry of water, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with the Development Plan

Soil storage

26

Details of the quality of soils on site and their movement and temporary storage during construction shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

In order to preserve and enhance identified soil functions and to minimise dust issues associated with the temporary storage.

Informatives:

01

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.

02

Wildlife Legislation

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.

03

Lighting

Wildlife friendly lighting should be used where possible. This should follow the Bat Conservation Trust's 'Bats and lighting' and other more recent guidance which is available from the BCT, South Yorkshire Bat Group or RMBC.

04

Nesting bird

Site clearance should ideally be outside of the bird nesting season. If vegetation clearance is required in the bird nesting season (March-August) then a qualified ecologist should be employed to check the area first and ensure that no nesting species are present. No works can take place whilst birds are actually nesting.

05

Hedgehogs

Holes in fencing should be provided for hedgehogs which roam gardens at night. Ideally these should be 13 x 13cm which is too small for most pets to squeeze through.

06

Severn Trent

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07

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

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. In addition the application was amended during the course of the application process as a result of discussions between the applicant and Local Planning Authority. The Local Planning Authority considers that it has worked with the applicant in a positive and proactive manner based on seeking solutions in accordance with the principles of the National Planning Policy Framework.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
4TH OCTOBER 2018**

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.

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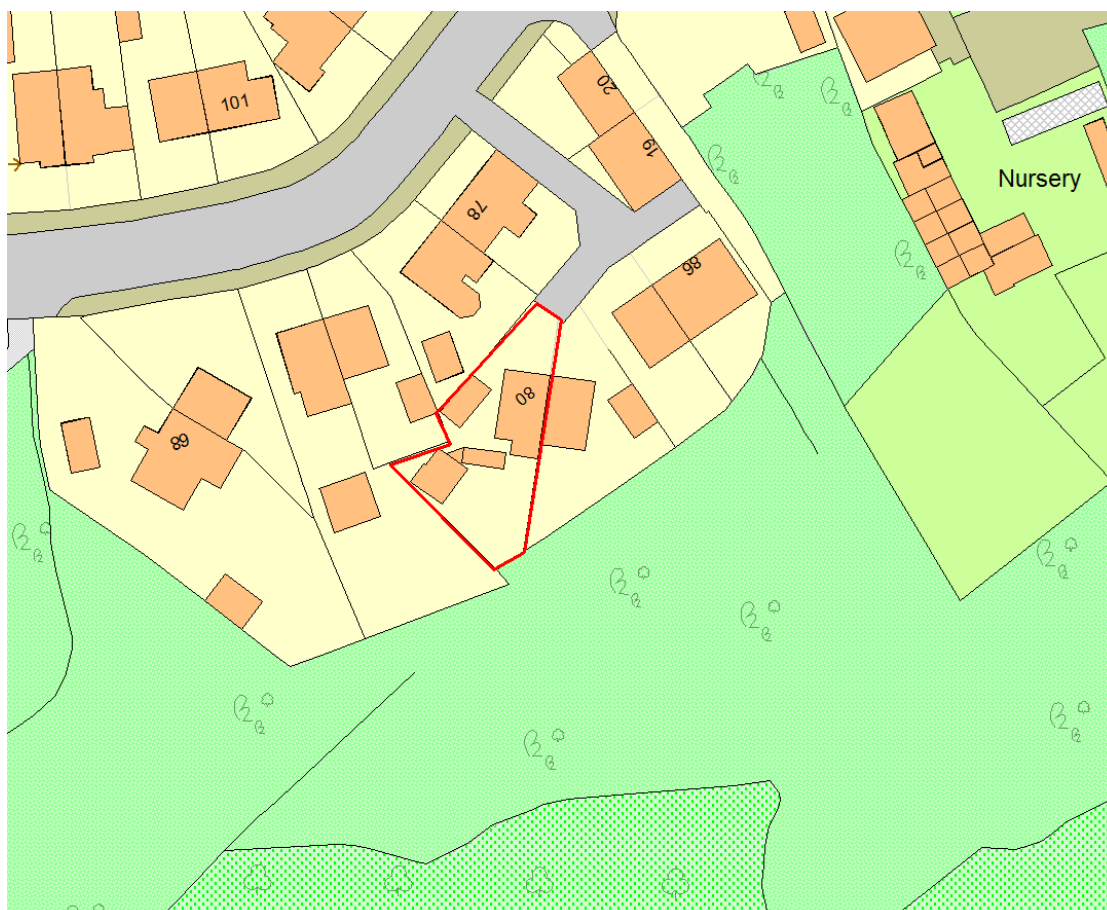
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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 4TH OCTOBER 2018

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	RB2018/1032
Proposal and Location	Two storey & single storey side and rear extension, with Juliet Balcony to rear at 80 West Hill, Kimberworth, Rotherham, S61 2EY for Mr and Mrs Ackroyd
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site is located in a backland location behind a row of properties that front the main West Hill. The property is one of three pairs of semi-detached houses constructed in the late 1980s / early 1990s.

To the rear of the property is a large area of grassland which runs all the way down to Meadowhall Road. To the north of the site are the rear elevations of nos. 76 and 78 West Hill. To the west is the rear of nos. 72 and 74 West Hill.

The host property sits at an angle to the private drive and the site is of a triangular form, whereby it increases in width from front to back. The property at the front is open with no boundary treatment; the property has a bay window feature to the front and a small off-shot on the rear elevation adjacent the boundary with no. 82 West Hill. There is a detached garage that runs along the party boundary with nos. 76 and 78 West Hill.

Background

There has been one previous planning application submitted relating to this site:

RB1987/0502 – Erection of 3 no. pair of semi-detached houses – Granted conditionally

Proposal

The application is for the addition of a two-storey & single-storey side and rear extension, with Juliet balcony to rear.

The single storey side element of the extension is set back from the front of the dwelling by approximately 3.9 metres and would be 1 metre wide. The two storey side element would be set a further 1 metre back from the front of the dwelling and would be 1.9 metres wide. The extension then projects beyond the existing rear building line by 3 metres and the single storey rear element would occupy the whole of the rear elevation, while the two storey rear element would project 1 metre out along the party boundary before returning so that the rest of its projection would be 2 metres from the party boundary.

The single storey elements would have mono-pitch roof and the two storey elements would have a dual-pitch roof with a Juliet balcony feature in the rear elevation at first floor.

The extension is proposed to be constructed in materials similar in appearance to the original dwelling.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

CS28 'Sustainable Design'
SP55 'Design Principles'

Other Material Considerations

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The revised NPPF came into effect on July 24th 2018. It 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.

Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties. 4 letters of representation have been received, along with a petition with 7 individual signatures. The issues raised are summarised below:

- The proposal will limit the natural sunlight to the rear of our house and garden.
- It would reduce the valuation and possible sale of our property due to lack of natural light and reduction of the view from the rear of the property.
- Potential disruption on the front of the property whilst the construction of the extension is taking place and potential damage to private driveway.
- Potential health risk.
- The property is in close proximity to our boundary and rear elevation.

Consultations

RMBC – Transportation and Highways Design:

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 issues in the determination of this application are considered to be the impact of the proposed development on:

- i) the character and appearance of the host property and its setting in the streetscene; and
- ii) the amenity of neighbouring residents

Impact on host property and streetscene

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

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

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or styles in plans or supplementary planning documents."

In addition policy 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 Councils' adopted IPG 'Householder Design Guide' states: "The size and design of extensions should be subsidiary to the existing dwelling and allow the original building to remain dominant. Matching roof styles should be used in any new extension proposals. It is important that an extension is in proportion with the existing house. It should not dominate the house by being bigger or higher or set much further forward."

Further to the above it is noted that the IPG for adding two storey side extensions states they should be set back a minimum of 500mm and provided with a lower ridge line, while being no more than half the width of the original dwelling. In addition for two storey rear extensions it states, amongst other things, that they should not be

disproportionate to the host property and in general should not exceed 3m if close to a shared-boundary, while having a roof design similar to the host property.

In respect of the two storey side element it would be set more than 500mm back from the front of the dwelling, would be provided with a lower ridge line and would be no more than half the width of the original house. Accordingly, it would comply with the guidance outlined in the Council's adopted IPG and given its size, scale, form, design and siting it would not dominate the house or introduce an incongruous feature in the streetscene. As such the two storey side element would comply with the relevant policies and guidance outlined above.

Furthermore, the two storey rear element would not represent a disproportionate addition to the dwelling as it would not exceed a projection of 3 metres and the main part of the first floor element would be approximately 2 metres from the party boundary with no. 82 West Hill. It is therefore considered that given its size, scale, form, design and siting, the two storey rear element would comply with the requirements of policies and guidance listed above.

With regard to the above, it is acknowledged that the single storey side and single storey rear elements raise no design issues and would be in full compliance with the guidance outlined in the adopted IPG and the policy requirements detailed in this section. Furthermore, the Juliet balcony represents an acceptable feature on this dwelling and it too raises no design issues.

In light of the above, it is considered that the proposal represents an acceptable and appropriate addition to the dwelling and its site and would not detrimentally affect the character or appearance of the host property or the streetscene. Accordingly, the application is in compliance with the NPPF, policies SP55 and CS28 and the adopted IPG.

Impact on amenity of neighbouring residents

Paragraph 127 (f) of the NPPF states planning decisions should ensure that developments create a high standard of amenity for existing and future uses.

The Council's adopted IPG states that in general the Council will take account of the orientation and position of neighbour's windows in relation to extensions and they should not significantly reduce the amount of sunlight and / or daylight casting a shadow over private amenity space or entering the window of a habitable room. Furthermore, it states an extension should not have an overbearing effect on the neighbouring property or an unreasonable effect on its outlook.

More specifically the adopted IPG in respect of two storey side extensions states that they should not come within 12m of a ground floor principle habitable room window of a neighbouring property. In respect of two storey rear extensions the IPG states they should be designed so as not to come within a 45 degree angle of the nearest neighbouring rear elevation habitable room window, and the Council will protect the outlook from a habitable room window for up to 10m. Furthermore, it states that for the purposes of privacy and avoiding an 'overbearing' relationship, a minimum distance of 21m between facing habitable room windows and 10m from a habitable room window to

a neighbour's boundary should be maintained and such an extension should not come within 12m of a ground floor habitable room window of a neighbouring property.

Whilst the two storey side element of the proposal would be sited in close proximity to the party boundaries of properties to the west and north on West Hill, these properties do not directly overlook the application site or directly face the side elevation of the extension. As such habitable room windows of properties to the west and north are orientated so that they are at an angle to the side elevation and if a straight line is taken from the neighbouring habitable windows the direction misses the extension and if arched round the extension would be between 10m and 12m away. It is considered that by virtue of the orientation of the site, its relationship with and distance to neighbouring properties the extension would not appear overbearing or oppressive when viewed from neighbouring properties and would not affect the outlook from the rear of properties to the north and west. Furthermore, in light of the above the extension would not result in the overshadowing of private rear amenity spaces of habitable room windows.

A plan has been submitted that shows no part of the first floor of the two storey rear extension would come within a 45 degree line when measured from the centre of the nearest first floor habitable room window of no. 82 West Hill. Therefore the extension would not adversely affect the outlook from no. 82 West Hill and would not appear overbearing or oppressive. Furthermore, by virtue of its size, scale, form and design, together with the orientation of the site it would not result in significant overshadowing of no. 82's habitable room windows.

In addition, in respect of the Juliet balcony feature, as there are no properties to the rear it would not give rise to any overlooking or privacy issues.

The issue of impact on neighbouring properties in respect of affecting light and proximity to neighbouring properties has been raised by a number of the residents. However having weighed up the arguments of the neighbours against the planning policies and guidance, it is considered that on balance the proposed development would be in full compliance with the relevant planning policies and guidance in respect of amenity and notwithstanding the comments raised there are no reasonable reasons to refuse the application on amenity grounds.

Other considerations

The issues raised by neighbours in respect of the impact of the extension on their amenity have been addressed above and these are material planning considerations.

In respect of impact on property values, it should be noted that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. The basic question when determining an application is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Conclusion

In light of the comments raised by neighbours, whilst noted and taken account of, they are not significant enough to warrant a refusal of this scheme and do not outweigh the fact that the proposal would be in full compliance with the requirements of the relevant adopted Local Plan policies, the Council's adopted IPG and paragraphs of the NPPF. Therefore, notwithstanding the neighbours' concerns the application is recommended for approval subject to conditions.

Conditions

01

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

Reason

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

02

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

P540.1, received 23 June 2018

P540.3, received 23 June 2018

BR540.OS, received 25 July 2018

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

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

04

The window(s) on the elevation of the two storey side extension facing nos. 74 and 76 West Hill shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

Informatives

01

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.

02

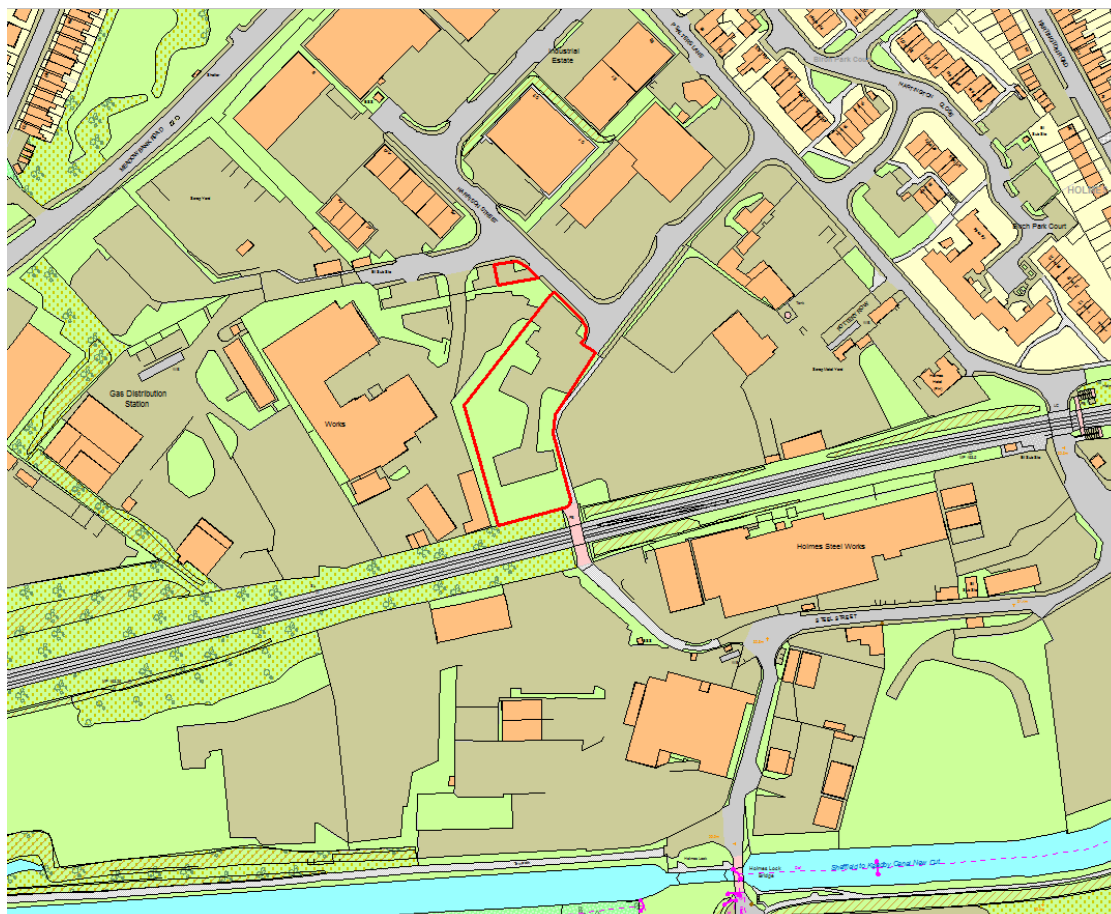
You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure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

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

Application Number	RB2018/1093
Proposal and Location	Erection of 2 no. industrial / office units with associated car parking & associated works (use class B2) at land at Harrison Street, Holmes, Rotherham, S61 1EE for Technical Cranes Ltd.
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as it does not fall within the scheme of delegation for major development due to its size and scale.



Site Description & Location

The application site is accessed off Harrison Street which services the surrounding Meadowbank industrial estate. The site slopes down from northeast to southwest and is enclosed by a public footpath on the eastern boundary. On the southern boundary in a cutting with a large stone retaining wall supporting the site, runs the main railway line into Rotherham. On the western boundary adjacent to the site is a recently constructed single storey industrial building running parallel to the boundary.

The site at present is used by Technical Cranes to store old cranes and steelwork.

The surrounding buildings are all industrial and elevational treatments use mainly profiled steel or asbestos cement cladding with some old red common brickwork. Roofs are clad in profiled steel with predominantly grey colours.

Background

There have been several planning applications submitted relating to this site:

RB1980/3640 – Outline for industrial / warehouse nursery units (renewal of R76/498) – Granted conditionally – 19 February 1981

RB1981/0636 – Details of industrial / warehouse nursery units (reserved by R80/3640) – Granted conditionally – 20 May 1981

RB1989/0364 – Erect building for storage & cleaning vehicle parts & office accommodation – Granted conditionally – 3 July 1989

RB1997/0088 – Erection of workshop and office accommodation and erection of 2.4 metre high security fencing – Granted conditionally – 20 March 1997

Proposal

The application is to construct two separate building on the site; one will have the offices and machining workshop and the other the fabrication workshop in association with the applicants business.

The office / machine shop building would be sited close to the front boundary of the site and provide 272 sq. metres of office space on two floors and a machine shop of 358 sq. metres. The building would be 7.6 metres high and be constructed with brickwork to the front and part of the side at ground floor with horizontal cladding above where the office accommodation would be and vertical cladding to the rest of the building. The brickwork is proposed to be of a buff colour and the cladding would be grey with blue edging. A large glazing element would be provided in the front elevation facing Harrison Street along with other windows. The entrance door to the office space would be in the side elevation facing southeast, with openings at first floor, a pedestrian door would be inserted for access to the machine shop in the southeast elevation. The northwest elevation would have no openings, while a large roller shutter and pedestrian door would be sited in the southwest elevation.

The fabrication building would be sited to the rear of the site and would occupy the full width of the site. It would be constructed in grey cladding with some brickwork to enable the floor to be level. The building would be 789 sq. metres with a pitch roof 8.7 metres high. Two large roller shutters would be included in the northeast facing elevation.

The proposed development will utilise the existing road entrance for access and new drainage and car parking / vehicle circulation areas will be constructed. 29 no. car parking spaces will be provided along with a cycle shelter.

There will be an area for 3 no. skips to be sited to the southeast boundary and a further skip would be located in front of the fabrication building.

The site will have some soft landscaping to the boundaries along with additional palisade fencing to match the existing.

The rear and side elevation of the Workshop building has been built up to allow the floor level of the vehicle access to have a reasonable gradient allowing for loading and unloading of materials and drainage to fall to a sewer on the front of the site.

The new buildings have been designed to be similar in style and scale to the surrounding buildings on site, with a mixture of brickwork and cladding.

Technical Cranes Ltd already own and use the site for storage, after construction of the buildings they will be transferring their existing workforce of 9 office staff, 12 workshop based workers and 12 external site based engineers, to this site. Their existing buildings will be rented out to other companies. This site will be used for the manufacture and refurbishment of overhead cranes and gantry steelwork.

There will be no external storage of materials.

In support of the application the following documents have been submitted:

Design and Access Statement

The statement provides details of the proposal, the site, the socio-economic impact of the proposal, planning policy requirements and design of the scheme.

Phase 1 Geotechnical & Geo Environmental Report

The report provides preliminary geotechnical and geo-environmental information pertinent to the redevelopment of the site for the stated end use. The assessment undertaken includes potential sources of historical ground contamination and anticipated impacts on sensitive receptors.

Coal Mining Report

The report is based on and limited to the records held by the Coal Authority and the Cheshire Brine Subsidence Compensation Board's records. It provides details on past, present and future underground coal mining and past, present and future opencast coal mining

Waste Management Plan

The WMP provides details on the levels of waste from the proposed use of the site and how they will be treated.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

CS9 'Transforming Rotherham's Economy'
CS19 'Green Infrastructure'
CS20 'Biodiversity & Geodiversity'
CS21 'Landscape'
CS24 'Conserving and Enhancing the Water Environment'
CS25 'Dealing with Flood Risk'
CS26 'Minerals'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
SP16 'Land identified for Industrial and Business Uses'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP43 'Conserving and Recording the Historic Environment'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

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

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The revised NPPF came into effect on July 24th 2018. It 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.

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

Consultations

RMBC – Transportation and Highways Design: Have no objections subject to conditions.

RMBC – Landscape Design: Have no objections.

RMBC – Environmental Health: Have no objections subject to conditions.

RMBC – Drainage: Have no objections subject to conditions.

RMBC – Air Quality: No objections

RMBC – Ecologist: Have no objections.

The Coal Authority: Have no objections subject to condition.

Health and Safety Executive: Have no comments to make.

Network Rail: Have no objections subject to conditions.

South Yorkshire Archaeological Service: Have 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 issues to take into consideration in the determination of the application are –

- The principle of the development
- Impact of development on the character and appearance of the area
- General Amenity Issues
- Transportation Issues
- Drainage
- Ecology
- Landscapes
- Coal Mining
- Minerals

Principle

The site is allocated for industrial and business use in the Local Plan. Policy SP16 'Land Identified for Industrial and Business Uses' states: "Within areas allocated for industrial and business use on the Policies Map, development proposals falling within

Use Classes B1b, and B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposal satisfy the requirements of Core Strategy policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy."

The proposed use of the buildings will predominantly be B2, which are supported in this land use allocation. However, the proposal also includes B1a office space. The policy outlined above supports such uses in this location where they are ancillary to the main use on site, or where Policy CS12 can be satisfied in terms of the sequential and, if necessary, impact tests.

Accordingly, consideration needs to be given to whether the office element of the scheme is ancillary. The offices comprise approximately 19% of the total floorspace and appear to be for use in relation to the proposed business as opposed to use by other businesses. It is therefore considered that the office use would be ancillary in this instance to the main B2 use and the principle of development is acceptable that complies with policy SP16.

Further to the above policy CS9 'Transforming Rotherham's Economy' states, amongst other things, that Rotherham's economic performance and transformation will be supported by protecting viable employment sites and supporting the regeneration and intensification of previously developed land. The current proposal will bring into use a derelict brownfield site and provide job opportunities within the area that ensures the scheme complies with policy CS9.

Therefore with regard to the above the proposed use of the site fully complies with the land use allocation of the site and the proposal will bring into use a vacant brownfield site that will provide job opportunities. As such the principle of the development is considered to be acceptable.

Impact on character and appearance of the area

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."

The NPPF at paragraph 124 echoes the above and states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking account any local design standards or style guides in plans or supplementary planning documents."

In addition, 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 site is located within an existing industrial estate and is currently vacant of any buildings but is covered in hardstanding that has been left in a dilapidated state, with

weeds and shrubs growing through. In addition, the boundary treatment is of a poor condition. As such the site has a negative effect on the character and appearance of the immediate locality.

The proposed scheme will introduce two large buildings, one an industrial building located to the southern end of the site and occupying the site's full width, and the other an industrial and office building which would occupy the north-eastern part of the site and run along the north-west boundary. Its front elevation would sit close to the north-east boundary of the site and would be prominent when viewed within the industrial estate.

The building to the south of the site is of a standard industrial building design with brick plinth and steel cladding under a pitched roof. The office / industrial building will have brick plinth with horizontal steel cladding to the other element and vertical steel cladding to the industrial part of the building.

The rest of the site will have hardstanding for parking and manoeuvring and soft landscaping on the perimeter of the site.

It is considered that the site has been sympathetically laid out with appropriate parking spaces and soft landscaped areas. Accordingly, the proposal would not represent an overdevelopment of the site.

With regard to the design of the buildings, it is acknowledged that they must be practical and whilst of no real architectural merit they have been designed in a way that ensures they meet the requirements of the applicant's business needs. In addition, their size, scale, form, appearance and materials have been designed with regard to the character of the area and the appearance of similar neighbouring industrial / office buildings.

It is therefore considered that the proposed site layout and buildings represent an appropriate form of development that will positively contribute to the local character and will significantly enhance the appearance of this rundown site and the quality of the wider industrial estate. Accordingly, the proposal would be in full compliance with paragraph 124 of the NPPF and Local Plan policies CS28 and SP55.

Further to the above it should be noted that part b of policy SP57 'Sustainable Construction' requires proposals to meet the relevant BREEAM 'very good' standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable. However, despite the total floorspace of the two buildings exceeding 1,000 square metres, individually they do not and as such they do not need to meet BREEAM 'very good' standards or better. Nevertheless, the buildings hereby proposed will be constructed with a highly insulated external envelope above current Building Regulation standards to ensure a good quality, sustainable design.

Accordingly, the proposal will raise no design issues and would comply with the relevant paragraphs of the NPPF and Local Plan policies.

General Amenity issues

Paragraph 127(f) of the NPPF states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

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." It further states that: "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."

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

In respect of amenity there are two elements to consider:

- i) the impact of the building on the amenity of neighbouring occupants; and
- ii) the impact of the proposed use on the amenity of neighbouring occupants

With regard to impact on the neighbouring occupants, the immediate surrounding area is characterised with other industrial and commercial uses, the nearest residential property is located on Psalters Lane approximately 130 metres away from the site. Therefore in respect of the built form of the development there would not be any impact on the amenity of those residents as it would not be readily viewed from their properties.

With regard to the proposed use of the building and site, there is to be no external storage or working as all the processes will be restricted to the buildings. In addition, the business would only operate within the hours of 0600 and 1800 Mondays to Fridays and 0600 and 1200 at weekends.

It is considered that given the hours of operation, the distance to residential properties, the character of the area and the nature of the business hereby proposed, the use of the site will not impinge on the amenity of neighbouring residents in respect of noise, general disturbance or other pollution.

Accordingly, it is considered that both the built form and proposed use will have no issues on the amenity of neighbouring residents and would result in a development in compliance with paragraph 127(f) of the NPPF and adopted Local Plan policies CS27 and SP55.

Transportation issues

Policy SP26 'Sustainable Transport for Development' states: "Development proposals will be supported where it can be demonstrated that:

- a) as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate..."

The proposed development proposes an appropriate amount of car parking spaces within the site for the size of the buildings and number of proposed staff. In addition, the proposed site layout shows there is sufficient turning and manoeuvring space for both cars and larger delivery vehicles that will frequent the site. It is also noted that in respect of promoting non-car transport modes the site shows an area of dedicated cycle parking spaces within a standard covered cycle shelter.

In light of the above it is considered that the proposal will comply with the requirements of policy SP26 and will also comply with the Council's adopted Parking Standards. Accordingly, for the reasons outlined above the proposal would not give rise to any highway issues that would affect the flow of the local highway network or the safety of those who use the local network.

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."

Policy SP47 'Understanding and Managing Flood Risk and Drainage' states: "The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) in appropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and
- c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties."

The flood risk for this site is small so there are no objections in principle to the proposal from a drainage perspective.

However, it is classed as a major application and no information about the proposed drainage of the site has been submitted to support the application at this stage.

A drainage scheme is shown on the site layout plan with a connection to the Yorkshire Water combined sewer, but there is a surface water sewer nearby to which a connection may be possible. If this is the case, a connection to the combined sewer would not be permitted.

There is attenuation shown on the drawing but it appears very small considering the impermeable area and the proposed greenfield runoff restriction. No calculations have been provided.

It is also of note that there is an archived drawing which Drainage colleagues have that shows a 375 mm combined sewer crossing the site. Although, it is likely this may have been diverted/abandoned as it is not shown on Yorkshire Water's current records, but the applicant is advised to investigate whether this sewer still exists and/or is currently live.

Notwithstanding the above, it is considered that subject to suitable conditions seeking the submission of full drainage proposals for the site to be agreed before works commence there would be no significant drainage issues arising from this development and it would comply with the requirements of the NPPF and Local Plan policies outlined above.

Ecology

The site is within the Don Green Infrastructure area.

Policy CS19 'Green Infrastructure' states: "Rotherham's network of Green Infrastructure assets...will be conserved, extended, enhanced, managed and maintained throughout the borough..." In addition, 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 and to needs of future occupants and users."

Further to the above, 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 in terms of nationally and locally prioritised sites, habitats and features and protected and priority species." In addition, policy SP33 'Conserving the Natural Environment' states: "Development should conserve and enhance existing and create new features of biodiversity and geodiversity value."

Paragraph 170 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.

The nearest Local Wildlife Site is the Sheffield & South Navigation which is 168m due south, Centenary Riverside is 860m to the south-east and Blackburn Meadows is 220m due south.

The site is separated from the Sheffield & South Navigation and Blackburn Meadows by an active railway line and neither will be affected by the works. In addition to the above there are no ancient woodlands that will be affected by the works.

The site is not within a bat constraint zone and given character of the site as a brownfield site. The active railway line to the south is lined by trees and other vegetation and consequently forms a green corridor. However, it is considered unlikely that the application site is used by any protected or principal species.

It is considered that the proposal would not adversely impact on the Green Infrastructure corridor and would comply with policies CS19 and SP32. Furthermore, subject to the landscaping scheme including the planting of native tree and shrub

species the proposal will provide a biodiversity gain and would subsequently comply with the requirements of policies CS20 and SP33 and paragraph 170 of the NPPF.. Therefore, the proposed development would raise no ecological issues.

Landscapes

The applicant has provided a brief landscape layout showing the areas of hard and soft landscaping within the site, but with little information in respect of species and details of materials.

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..."

With regard to the above the proposed 'landscape' areas appear to be a sensible use of otherwise functionless parts of the site, which is also proportionate to the scale of development and the character of the area. In addition the landscape areas, subject to native trees and shrubs being planted will maximise the biodiversity gain and provide ecological benefits within an otherwise built up industrial area.

It is also considered that the introduction of soft landscaping within the site will help soften the impact of the development within the area and will enhance the quality, character, distinctiveness and amenity value of the immediate surrounding area.

In light of the above it is considered that the proposed development, subject to an appropriate detailed landscape masterplan being submitted detailing, the size, location and type of tree / shrub to be planted, the proposal would be in compliance with policies CS21 'Landscape' and SP32 'Green Infrastructure and Landscape' of Rotherham's adopted Local Plan.

Coal Mining

The Coal Authority concurs with the recommendations of the Phase 1 Geotechnical & Geo-Environmental Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Therefore, should planning permission be granted for the proposed development, a condition should be imposed requiring the following prior to the commencement of development:

- The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works for approval; and
- The implementation of those remedial works.

In light of the above the Coal Authority has no objection to the proposed development subject to the imposition of a condition to secure the above.

Minerals

The site falls within the sand and gravel Mineral Safeguarding Area as defined on the Policies Map. The proposal will therefore be required to satisfy part 1 of policy CS26 'Minerals'. This indicates that all non-mineral development proposals within the Mineral Safeguarding Areas will be encouraged to extract any viable mineral resources present in advance of construction where practicable, and where this would not have unacceptable impacts on neighbouring uses.

The applicant in order to demonstrate how the criteria at part 1 of policy CS26 has been satisfied has stated that the site is too small to be able to economically extract any of the minerals from below the ground, its shape and proximity to the railway line with large retaining walls adding to the complexity of carrying out such an exercise. The buildings are to be built on piled foundations so no major earthworks will be taking place.

In light of the above it is considered that the requirements outlined within policy CS26 have been satisfied.

Other considerations

The site is in close proximity to a railway line; as such the views of Network Rail have been sought in respect of the potential impact of the development both during construction and throughout its life on the neighbouring railway line. Network Rail has indicated that subject to conditions there should be no impact on Network Rail's infrastructure.

Policy SP43 'Conserving and Recording the Historic Environment' indicates that for sites such as this which have not been assessed as part of previous archaeological scoping studies, a Heritage Statement will be required if development would affect a known or potential heritage asset. There are no heritage assets within or close to the site and South Yorkshire Archaeology Service have confirmed there are no issues with the proposal.

Furthermore, the Council's Air Quality officer has confirmed that the proposed development would not have any increased impact on Air Quality in the area that would exceed local and national levels.

Finally, policy WCS7 'Managing Waste in All Developments' of the Joint Waste Plan states all development proposals (excluding minor planning applications) must submit a waste management plan as part of the planning application. The applicant has provided a draft Waste Management Plan for the site and the information contained within is considered to be acceptable to satisfy policy WCS7.

Conclusion

Having regard to the above it is concluded that the proposed development represents an acceptable form of development in this locality that will be in keeping with its character and appearance and would not adversely affect the amenity of neighbouring

residents or highway users. Accordingly, for the reasons outlined in this report the development would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 08, 09, 13, 14 and 19 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 08, 09, 13, 14 and 19 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

Location Plan, received 29 June 2018

02, rev D, received 13 August 2018

05, rev B, received 13 August 2018

06, rev B, received 13 August 2018

07, rev B, received 13 August 2018

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details shown on drawing nos. 05 rev B and 06 rev B. The development shall thereafter be carried out in accordance with these details.

Reason

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

Highways

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

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

Reason

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

Landscapes

06

Prior to the site being brought into use, 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, 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 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

07

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

Coal Mining

08

Prior to the commencement of development a scheme of intrusive site investigations shall be carried out and a report of the findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works shall be submitted to and approved by the Local Planning Authority. The approved remedial works shall be implemented on the site before works commence.

Reason

To properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity.

Land Contamination

09

Subject to the findings of the desktop study a Phase II Intrusive Site Investigation should be undertaken to assess both the potential geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Reason

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

10

Upon production of the Phase II report a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified

contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

11

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

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

12

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

Reason

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

Network Rail

13

All surface and foul water drainage from the development area must be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which shall be submitted to and approved in writing by the Local Planning

Authority before construction starts on site. The approved details shall be implemented before the site is brought into use.

Reason

For the safety, operational needs and integrity of the railway.

14

Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted to and approved by the Local Planning Authority. The works shall only be carried out in accordance with the approved details before the site is brought into use.

Reason

To ensure the development does not affect the rail network.

15

Prior to the site being brought into use details of trespass proof fencing, a minimum of 1.8 metres high, on boundaries adjacent the railway to prevent trespassing onto the railway shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the site is brought into use and shall be thereafter be maintained.

Reason

To secure the site and prevent trespassing on the adjacent rail network.

16

If vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Reason

For the safety, operational needs and integrity of the railway.

17

The applicant shall install any external lighting to the site to meet the guidance provided by the Institute of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution" This is to prevent obstructive light causing a hazard to train drivers. This guidance is available from the Institute of Lighting Engineers, telephone 01788 576492.

Reason

For the safety, operational needs and integrity of the railway.

Restrictions

18

The use hereby permitted shall only operate and be open for deliveries between the hours of 0600 and 1800 Mondays to Fridays and 0600 and 1200 on weekends.

Reason

In the interests of the amenities of the occupiers of nearby dwellings.

Drainage

19

Development shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

To ensure the development can be properly drained.

20

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse.

Informatives

01

In terms of the construction phase except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

02

Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

03

Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such

times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

04

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

05

There shall be no burning of any waste items including green waste on the application site at any time. The disposal of refuse by burning is an offence unless carried on under, and in accordance with, a waste management licence issued by the Environment Agency. All waste shall be removed by a licensed carrier and the relevant paperwork sought and retained. This is a legal requirement.

If you are permitted to have bonfires, you must ensure that any smoke produced does not cause a nuisance to neighbours. If a nuisance is witnessed, or if it is likely to occur, then Neighbourhood Enforcement would be required to serve an Abatement Notice upon you, prohibiting any further smoke nuisance. Failure to comply with an Abatement Notice without reasonable excuse is an offence.

06

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

07

With regard to the formulation / implementation of a local employment strategy, advice can be sought from the Academy of Construction Trades on 01709 709525.

08

Network Rail – Drainage

- Water must not be caused to pond on or near railway land either during or after any construction-related activity.
- The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.
- The construction of soakaways within any lease area is not permitted.
- The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.
- The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow

conditions should be submitted to Network Rail for approval prior to any works on site commencing.

- If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.
- The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.
- There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.
- No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.
- There must be no interfering with existing drainage assets/systems without Network Rail's written permission.
- The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

09

Network Rail – Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

10

Network Rail – Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

11

Network Rail – Method Statements / Fail Safe / Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

12

Network Rail – OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

13

Network Rail – Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

14

Network Rail – Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

15

Network Rail – Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

16

Network Rail – Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its

boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

- Acceptable: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata “Zebrina”
- Not Acceptable: Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

17

Network Rail – Access to Railway

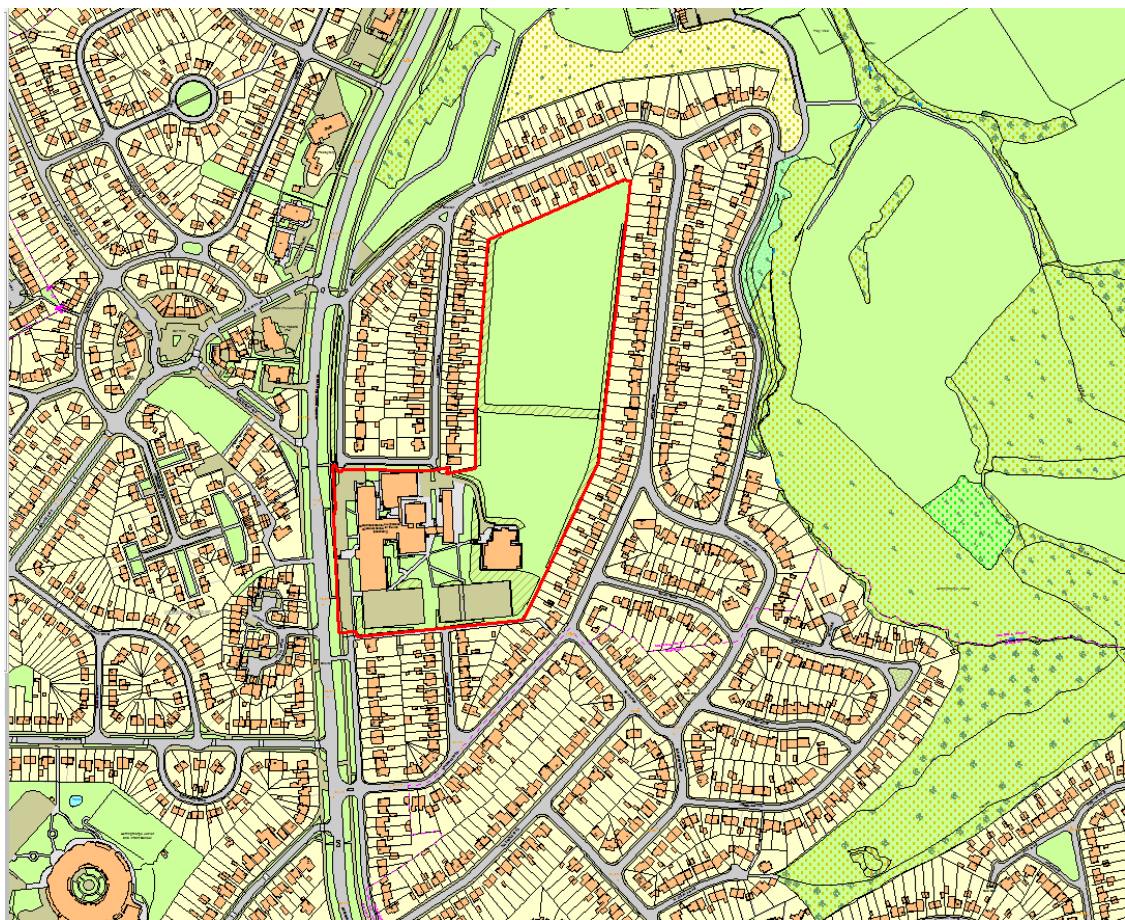
All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access to the adjoining railway footbridge must remain clear and unrestricted at all times both during and after construction.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/1134
Proposal and Location	Demolition of existing teaching block, bridge link & gym and erection of teaching block, link and associated works, St Bernards Catholic High School, Herringthorpe Valley Road, Herringthorpe S65 3BE
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



Site Description & Location

The site of the St Bernard’s Catholic High School has been used for education (Use Class D1) purposes for many years and is allocated for community facilities retained in the Local Plan.

The site specifically relates to one of the existing school buildings which is identified as Block E in the submitted site plan. Block E appears to be one of the original school building as indicated on historic maps and is surrounded by other school buildings.

The building is not listed and is not within a Conservation Area; there are no trees protected by TPOs in the immediate vicinity and the site is not at risk of flooding.

Background

St Bernard's School was originally constructed in 1957. There have been various extensions and alterations with a new detached sports hall being approved in 2009 and two modular classroom units approved in 2013.

Proposal

The proposal is to demolish the existing 4 storey building which lies in the central area of the site and erect a new replacement building adjacent to Block E. It is then subsequently intended to demolish Block E and re-grade the land into a hard landscaped courtyard area.

The proposals are for the provision of a new building encompassing 16 new classrooms, support spaces and gym provision lost as part of the proposals.

The total proposed development area required to carry out the works occupies approximately 0.39ha and the new building has a Gross External Area of 2126m².

The supporting documents submitted can be summarised as follows:

Design and Access Statement

- Being in operation for nearly 60 years, parts of the school have aged significantly and have been deemed in need of replacement. The ESFA has assessed this need and has identified the currently named block E as well as the existing gym as obsolete.
- The initial feasibility considered the option of refurbishing the existing block. This was however discounted early in the process due to the inefficiently planned layout of the existing building and associated unsustainable service costs. A further factor in the early design was to address the existing disjointed arrangement between the gym and the new sports hall.
- The location of the gym replacement was to be included or located adjacent to the new building in the form of an activity studio. Taking into account the above the final decision was to build a new teaching block with an integral activity studio.
- Consideration was given to site the new building to the north of the sports hall, however this would impact on the existing sports fields and would meet with objection from Sport England.
- The existing building will need to be retained throughout the build. In light of this the best location for the new building was seen to be an area of sloping grass bank to the east of the existing building.
- The current school contains a mixture of building scales. The existing block is on the order of 16m tall, 10m wide and almost 50m long. The proposed building is considerably wider at 18m allowing the length and height to be reduced to 40m and 13m prospectively. This also makes for a more efficient layout.
- In choosing the materials of the proposals, it was considered whether to use brickwork to match the surrounding site context. It was deemed that the priority was to make the building work in its own right whilst still paying cognisance of its setting. A simple palette of dark buff brick, red brickwork and dark grey window and door framing is proposed. This will allow the new block to settle into its immediate school and into its wider context within the residential area, replacing the stark, very apparent school block construction of the existing block.

In brief, the proposal features:

- A new courtyard on the footprint of the existing block with soft and hard landscaping.
- A new level access footpath from the retained link to Block B.
- Low level shrub planting along the western and southern elevations.
- Re-graded hard landscaping to tie into the new and building and the existing landscaping, which will provide level access.

Transport

Although no Transport Assessment or Statement was required, this element has been considered within the D&A Statement.

- No public rights of way were identified across the application site.
- The proposed pupil numbers and overall floor area is neutral between the existing and proposed, a further transport statement has not been prepared as part of this application.
- Several comments were made at the public consultation meeting raising concerns about increase of traffic. Whilst it is accepted that there will be an impact due to the nature of the works, this will only be applicable for the duration of the works and will revert back to the existing state once these are complete.
- The school has also confirmed that it will endeavour to discourage parents from parking along Woodall Road in order to avoid conflict with site access. The school is well served by bus links to Rotherham Centre as demonstrated adjacent.

Coal Mining Risk Assessment

- Due to the anticipated thickness and depth of the seam, mitigation is unlikely to be required.
- However, should site investigation indicate there is insufficient competent cover over the workings, any voids/broken ground will be pressure grouted to produce a single monolithic mass which will prevent upward migration of voids. If required, these works will be carried out under a licence from the Coal Authority.
- Two recorded mine shafts are present in the vicinity of the development. Their location is uncertain and they may be present beneath the existing Block B. The Coal Authority has no records of remedial works having been carried out to either shaft, however, it is possible that some form of treatment was carried out prior to construction of the current buildings. Consequently, the shafts may be filled, partially filled, capped or remain open.
- These shafts pose a potential risk to development workers during demolition of the existing Block D and to site users (pupils and staff) following construction of the proposed play areas.

Flood Risk

The site does not lie within a Flood Risk Area.

Public Consultation

As part of the planning application process, a public consultation was held at the school on 12th June 2018. The overall feedback was positive, both in relation to the design of the building and meeting the needs of the local area. The consultation also provided the design team an opportunity to discuss aspects of the design with local residents and parents, and allowed elements of the design to be adapted in response to feedback received.

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 on 25 June 2018.

The site is allocated for Community Facilities in the Local Plan.

For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14 Accessible Places and Managing Demand for Travel

CS28 Sustainable Design

CS29 Community and Social Facilities

CS33 Presumption in Favour of Sustainable Development

Sites and Policies Document:

SP 55 Design Principles

SP 56 Car Parking Layout

SP 57 Sustainable Construction

SP 62 Safeguarding Community Facilities

Other Material Considerations

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

National Planning Policy Framework: The revised NPPF came into effect on July 24th 2018. It 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.

Publicity

The application has been advertised by way of site notices being displayed on and around the site (10 August 2018), press notice (Rotherham Advertiser 03 August 2018) and letters to neighbouring properties (26 July 2018). No representations have been received.

Consultations

RMBC (Transportation and Highways Design) – No objections subject to conditions

RMBC (Environmental Health) – No objections subject to conditions and informatives

RMBC (Drainage) – No objections

RMBC (Landscape) – No objections

RMBC (Children and Young Peoples Service) – No objections

Coal Authority – No objections subject to condition

Sheffield Area Geology Trust – No objections

Sport England – 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 of development including the need for the facility
- Design, Scale and Appearance
- Highway Safety and parking capacity
- Drainage and Flood Risk issues
- Noise and Pollution Control issues
- Mining Impact
- Landscaping

Principle of development including the need for the facility

The site is allocated for community facilities in the Local Plan and has been used as a school since the 1950s. The applicant indicates that having been used for nearly 60 years the building has aged significantly and is deemed in need of replacement.

It is not considered feasible to refurbish the existing block, due to the inefficiently planned layout of the existing building and associated unsustainable service costs.

Children and Young Peoples Service (CYPS) have raised no objections to the principle of the proposal. The proposal does not occupy any of the existing playing fields and Sport England have not raised any objections to a new building in the identified location within the school grounds.

Overall it is considered acceptable to have a new building in this location and the principle of the extension is in conformity with the Local Plan allocation for Community Facilities and policy CS29 Community and Social Facilities and Sites and Policies Document SP 62 Safeguarding Community Facilities.

Design, Scale and Appearance

The existing building is considered to be a utilitarian structure that has a dated design and external appearance and does not contribute positively to the current appearance of the school. The applicant has also confirmed that the layout of the existing building needs significant modernisation.

The new building shows a contemporary design and layout which is considered to have a significantly better appearance than the existing structure. The building is considered to be considerably more efficient in its layout with a larger overall footprint, but reduced scale which is considered a better fit with the modest scale of the existing school buildings. In addition the layout comprises a new courtyard and hard landscaped area along with some new trees which is considered to improve the general environment of the school and its environment.

Overall the design is considered to conform to the design objectives outlined in Core Strategy policy CS28 Sustainable Design and Sites and Policies Document SP55 Design Principles and will uplift the appearance of the school

Highway Safety and parking capacity

The numbers of staff or children attending the school is not considered to increase and the Transportation Unit have raised no objections to the proposal in terms of highway capacity or parking. However, it is considered that the applicant should submit a Construction Traffic Management Plan to cover the timing of deliveries, compound for materials, staff parking area, dealing with any mud in order to reduce the potential for disturbance to nearby residential properties during construction.

Drainage and Flood Risk issues

The site does not lie within a recognised flood risk area and only small proportion of the site lies within a Surface Water Flood Risk Area. The Councils Drainage Officer has confirmed that the submitted drainage proposals are acceptable.

Noise and Pollution Control issues

The proposal will operate within the same hours as the existing school and is not considered to generate any new or additional noise issues. RMBC's Environmental Health department have not raised any concerns on this aspect, subject to recommended conditions in order to minimise the potential for disruption to surrounding residents during the construction phase.

Likewise the proposal does not generate any pollution control issues. The site is within the existing school complex and has not been used for other uses.

Mining Impact

The Coal Authority have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area. Coal Authority records indicate the presence of two recorded mine entries (shafts) ref: 445392-010 and 445392-011. The Coal Authority holds no treatment details for these two mine shafts.

The applicant concludes that the site is unlikely to be affected by stability issues due to shallow mine workings, the report author identifies that at least two mine shafts are present which will be require mitigation to allow the development to proceed.

Whilst a geophysical survey has been undertaken, this did not identify any direct evidence of the mine shafts east of the existing Block E (which would take into consideration any departure from the Coal Authority's plotted positions). It would appear

that their records indicate that the recorded mine entries are currently beneath existing Block E (to be demolished). However two anomalies identified immediately west of Block E, which correlates with the location of the mine shafts based on the records held by SYMAS.

Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out in accordance with revised NPPF paragraphs 178 - 179. The Coal Authority has no objection to the proposed development, subject to the imposition of a planning condition or conditions to secure further intrusive site investigations.

Landscaping

RMBC's Landscaping team have no objections to the proposal which will improve the visual quality of the school's built form.

The Council's Landscape Officer has considered it desirable to partially 'enclose' the courtyard at either end with the introduction of artistic metalwork screen panels, trellising with climbing plants, medium/tall shrub planting or trees with understory planting for example. This would be particularly beneficial to the northern end. It is also noted that at the southern end the tarmac follows the grass area creating a right angled footpath. It is often found that people tend to walk in straight lines and with such an arrangement a 'desire line' is likely to form.

Overall however these queries are not considered detrimental to the scheme and it is considered that these could be resolved through a planning condition. The proposal is considered to be of a satisfactory design that meets the requirements of Local Plan policy SP 55 Design Principles.

Conclusion

The principle of the replacement school building is in line with Local Plan Policy CS29 Community and Social Facilities and SP 62 Safeguarding Community Facilities and will provide replacement classroom capacity for a long established educational use. The location of the building is on brownfield land and the site of the existing building will be demolished and given back over for landscaping purposes. Overall the principle of the proposal satisfactorily complies with the NPPF, Core Strategy and Sites and Policies Document.

The site access will not change and it is not considered that there would be any material increase in traffic. The Transportation Unit have raised no objections.

No flooding or drainage concerns are raised. There are not considered to be any new or increased noise and pollution control issues.

The application is recommended for approval, subject to conditions.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers illustrative plan 138329-ALA-00-XX-DR-L-001 S2 P04, site sections 0005 S2 P04, Hard and soft materials 0006 S2 P04, Drainage Plan P1, Artists impression 3401-03, site and roof plan 0102 S1 P1, lower and ground floor plan 0103 S1 P1, first and second floor plan 0104 S1 P1, elevations 0105 S1 P1, sections 0106 S1 P1, link elevations 0107 S1 P1)(received 17.07.18)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no elevations 0105 S1 P1, sections 0106 S1 P1, link elevations 0107 S1 P1. The development shall thereafter be carried out in accordance with these details.

Reason

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

Coal Authority

04

Prior to the demolition of existing Block E the applicant shall submit details of further intrusive site investigations to determine the presence of the two recorded mine entries: 445392-010 and 445392-011, (within Section 3.6 of Interpretative Site Investigation Report prepared by Arcadis UK Limited, Document Ref: 3452913831 dated July 2017). These details shall be submitted in a report of findings arising from the above intrusive site investigations, and any remedial works and/or mitigation measures considered necessary; including the calculated exclusion zones and these to be clearly annotated on the proposed layout plan. This report shall be approved in writing by the local planning authority in consultation with the Coal Authority. The scheme shall be implemented in accordance with the approved details.

Reason

To ensure that any coal mining legacy implications are satisfactorily addressed.

05

Before the proposed development is brought into use, a revised landscape scheme showing final hard and soft landscaping details shall be submitted that addresses the comments set out on the attached letter. This shall include:

- 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.
- Details of final playground design

- Details of final courtyard design
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme 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 and in accordance with the Local Plan

06

Prior to the commencement of any works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for: Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff and measures to prevent/deal with mud in the highway. This shall be implemented throughout the duration of demolition/construction works.

Reason

In order to minimise the impact on the surrounding residential areas during construction and in the interests of general highway safety and management.

Informatives

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. 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 Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(1) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(2) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(3) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is

considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

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

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	RB2018/1299
Proposal and Location	Erection of toilet block to side & canopy to front at 131 Bawtry Road, Wickersley
Recommendation	Grant subject to conditions

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



Site Description & Location

The site to which this application relates comprises of an existing two storey commercial premises at the junction of Bawtry Road (Service Road) and Green Lane and is covered in grey cladding to the front elevation and rendered to the side with a twin pitched slate tiled roof. The property at ground floor has been extended with a single storey part glazed / part clad front addition with balcony and outdoor seating area above. To the front is an existing tiled forecourt which is owned by the applicant and used as an additional outdoor seating area. To the west lies a detached property used for part residential / part A3 purposes, with the property to the rear (off Green Lane) comprising of a single retail unit.

Background

- RB2003/0653 - Change of use to coffee shop/Bistro with hot food takeaway – Granted 30/05/2003
- RB2005/1238 - Formation of raised external seating area to front – Granted 19/08/2005
- RB2013/1167 - Demolition of existing single storey front extension & erection of two storey front extension – Granted 23/10/2013
- RB2013/1481 - Erection of single storey front extension incorporating 1st floor balcony seating area – Granted 13/12/13
- RB2014/0284 - Display of 1 No. internally illuminated fascia box sign & 1 No. non-illuminated side fascia sign – Granted 13/05/14

Proposal

This is a full application for the erection of a single storey side extension and canopy to the front elevation. The proposed extension is located on the eastern elevation and has a rectangular footprint extending to 7.3m in length and projecting 2.8m from the side elevation. At its highest point the extension is 2.8m in height and incorporates a flat roof. The extension will be used as a toilet block and will only be accessible internally from the host property. Externally, it will be constructed from the same grey cladding as the main property.

The proposed canopy projects 3m from the front elevation of the property and extends across the entire width. It will be constructed using 4 linear supports along the front elevation and the roof will comprise of Perspex sheeting with openable louvres. The side elevations will consist of retractable plastic roller shutters that will only be utilised during inclement weather.

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 as Wickersley District Centre in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS28 Sustainable Design
SP19 Development within Town, District and Local Centres
SP55 Design Principles

Other Material Considerations

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

includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The revised NPPF came into effect on July 24th 2018. It 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.

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 9 letters of representation have been received, including one from Wickersley Parish Council. The main points raised are as follows:

- The proposed toilet extension on the grounds that it would be visually obtrusive given its flat roof and lack of windows so that it will appear as an ugly black box extending in front of the existing building and Lawrence Brothers premises. This is unacceptable for a building in such a prominent location.
- The extent of the proposed covered area that will project beyond the current first floor balcony. It would also appear that the existing consent granted in 2003 (RB2003/0658) does not include the proposed covered area within the red line. If that is the case then a change of use to a restaurant is also required for that area.
- It is requested that the applicant is made fully aware that the existing consent is for an A3 use only and that the bar must only operate in association with the restaurant and not for independent sale of alcohol to customers. You will be aware that there is considerable pressure for Wickersley to expand its A4 offer but there are already significant problems arising at weekends from late night noise and anti-social behaviour from existing premises. It would be very unfair to local residents if the application premises were also to develop into an A4 offering.

Consultations

RMBC Environmental Health raise no objections to the proposed development.

RMBC Transportation acknowledges that patronage could increase as a result of proposed development and in turn has the potential to increase demand for parking,

however this increase is not considered to be material or result in an unacceptable impact on highway safety.

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:

- 1) Principle of Development
- 2) The character and appearance of the host property and its setting in the streetscene
- 3) Impact on Amenity
- 4) Other matters

Principle of Development

The site is located within a wider allocation for Wickersley District Centre wherein Policy SP19 'Development within Town, District and Local Centres' states that uses falling within A3 use classes (restaurants and cafes) are acceptable. In this instance planning permission was granted in 2003 for the change of use of the site to an A3 use and has been utilised as such since this time.

The proposed development does not seek to alter the use of the site, simply to provide additional floorspace to support the use. As such it is considered that the proposal is acceptable in principle and accords with the provisions of Policy SP19.

The character and appearance of the host property and its setting in the streetscene

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

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

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into

account any local design standards or styles in plans or supplementary planning documents.”

In addition policy 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 proposed extension is located within a prominent location on the corner of Bawtry Road (service road) and Green Lane. Concerns have been raised by local residents that it would appear visually obtrusive given its flat roof and lack of windows. The extension has been designed to reflect its functional use as a toilet block and is therefore modest in scale and whilst it is acknowledged that the design is utilitarian in appearance the street scene is made up of a mix of properties that vary in design and use class. Immediately to the south is a traditional 50’s style hipped roof property with bay windows, whilst to the north is the three horseshoes PH which is a large imposing building having a mock Tudor design. The property to the west, on Green Lane is a single storey flat roof building with a large shop front and signage.

Having regard to the above it is considered that the proposed extension would not appear at odds within this varied street scene and whilst the applicant has indicated that it will be clad in the same grey cladding as the host property it is considered that a condition should be attached to any approval requiring samples of the materials to be submitted given the front elevation of the property is clad and the side elevation is rendered..

Turning to the proposed canopy, this will extend 3m from the front elevation of the property and comprise of a clear Perspex roof with openable louvres. The side elevations will include retractable plastic roller shutters that will only be used during inclement weather. It is therefore considered that the only permanent structure is the 4 supports and the roof which visually will not significantly alter the appearance of the host property.

The proposed extension and canopy is therefore considered to positively contribute to the local character and distinctiveness of an area and accord with the provisions of Policies SP55 ‘Design Principles’ and CS28 ‘Sustainable Design’, together with paragraph 124 of the NPPF.

Impact on Amenity

Paragraph 127(f) of the NPPF states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

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.” It further states that: “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.”

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 proposed canopy has been designed to provide an enclosure to the existing outdoor seating area to the front of the property. This seating area has been used for some considerable time without resulting in any complaints in terms of noise or loss of amenity. Nevertheless, it is considered that the proposed canopy will provide a means of enclosure and would, as a result have the potential to intensify its use, mainly during times when the weather would normally prohibit its use and late at night. Accordingly a condition restricting its use to 23.00 would control the potential for any noise nuisance during unsociable hours, thereby minimising the potential impact of the development on neighbouring amenity.

Through the use of an appropriately worded condition, it is considered that the proposed development would not give rise to any significant impact on adjacent occupiers by way of noise nuisance and therefore the development complies with the requirements of Policies CS27 Community Health and Safety' and SP52 Pollution Control.

Other Matters

An observation has been raised by local residents and Wickersley Parish Council that the application should also include a change of use for the area under the proposed canopy area as the red line of the original application for the change of use only extended around the building and not the area to the front. Whilst technically this is the case, the building is set within its own curtilage which includes the land to the front, therefore the seating area would not constitute a separate planning unit. Additionally, an outdoor seating area was granted planning permission in 2005 and has been used for this purpose for in excess of 10 years. Accordingly, it is not necessary for the application to consider a change of use for this area as part of this application.

A further representation has been received requesting that the applicant is made aware that the existing consent is for an A3 use only and that the bar must only operate in association with the restaurant and not for independent sale of alcohol to customers. This point is noted and should the applicant wish to open the premises primarily for the sale of alcohol, a change of use application from A3 to A4 will be required.

Conclusion

Having regard to the above it is concluded that the proposed development represents an acceptable form of development in this locality that will be in keeping with its character and appearance and would not adversely affect the amenity of neighbouring residents or highway users. Accordingly, for the reasons outlined in this report the development would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions

Conditions

01

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

Reason

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

02

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

- Site and Location Plan
- Proposed Elevations and Floor Plans – Dwg No. 1 dated June 18

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design.'

04

The seating area located below the canopy hereby approved shall only be used between the hours of 08:30 to 23:00.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy SP52 'Pollution Control'

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 4 OCTOBER 2018

Report of the Director of Planning and Regeneration Service

<u>ITEM NO.</u>	<u>SUBJECT</u>
1 Page No. 101	Government Consultation Consultation on views on the principle of granting planning permission for non-hydraulic shale gas exploration development through a permitted development right. Recommendation That the responses set out in Appendix 1 form the Council's response to the consultation document.
2 Page No. 110	Government Consultation Consultation on inclusion of shale gas production projects in the Nationally Significant Infrastructure Project (NSIP) regime Recommendation That the responses set out in Appendix 1 form the Council's response to the consultation document.
3 Page No. 116	Appeal Decision - RB2016/1539 - Harrycroft Quarry, Worksop Road, South Anston

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
4 OCTOBER 2018

ITEM 1

Government Consultation	Consultation on views on the principle of granting planning permission for non-hydraulic shale gas exploration development through a permitted development right.
Recommendation	That the responses set out in Appendix 1 form the Council's response to the consultation document.

Background:

A Consultation paper on proposed planning reforms for exploratory shale gas development in England has been launched by the government (see Appendix 1). The purpose of this Consultation is to seek views on the principle of whether non-hydraulic fracturing shale gas exploration development should be granted planning permission through a permitted development right, and in particular the circumstances in which it would be appropriate. This would in effect mean that the applications the Council has recently determined at Harthill and Woodsetts for exploratory drills would become permitted development, and would not require full planning permission. Any permitted development right would not apply to the appraisal and production operations of shale gas extraction. Consultation closes on 25th October 2018.

The Consultation follows the publication of a written ministerial statement on the 17 May 2018, in which the government announced a range of measures to facilitate timely decision making on shale exploration planning applications. It reiterated the Government's view that there are substantial benefits from the safe and sustainable exploration and development of onshore gas resources and that the Government expects Minerals Planning Authorities to give great weight to the benefits of mineral extraction, including to the economy.

The supporting text to the Consultation states that with the government committed to ensuring that strong safeguards are in place, any new permitted development right would have to abide by both environmental and site protection laws and would not apply to exploratory drilling in sensitive areas (such as Areas of Outstanding Natural Beauty). It adds that exploratory drilling for shale deposits are treated separately to full hydraulic shale gas extraction (fracking), and that both will remain subject to strict planning and environmental controls.

The Consultation document notes that recent decisions on shale exploration planning applications remain disappointingly slow against a statutory time frame.

The Consultation document notes that the government will also consult on whether developers should be required to undertake pre-application community engagement prior to submitting a planning application for shale gas development and that this separate consultation will be launched in autumn 2018.

Permitted development rights

Permitted development rights are a national grant of planning permission. They provide a simpler, more certain route to encourage development and speed up the planning system, and reduce the burden on developers and local planning authorities by removing the need for planning applications.

Permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. The Order sets out both what is allowed under each permitted development right, and any exclusions, limitations and conditions that apply to comply with the legal duty to mitigate the impact of development granted under permitted development. For example, most permitted development rights are subject to conditions that seek to minimise their impact and to protect local amenity. Others are subject to geographic exclusions to ensure environmental protections are maintained.

If a proposal falls outside permitted development rights, it requires the submission of a planning application to the local planning authority so that the authority can consider all the circumstances of the case.

Permitted development only covers the planning aspects of the development. It does not remove requirements under other regimes such as environmental licensing and permitting or requirements under environmental legislation.

In April 2016 the Town and Country (General Permitted Development)(England) Order 2015 was amended to allow for development consisting of the drilling of boreholes for the purpose of carrying out ground water monitoring and seismic monitoring which is preparatory to potential petroleum exploration (which includes shale gas). These permitted development rights are subject to restrictions and conditions. This consultation paper proposes to extend these permitted development rights to the exploratory phase of oil and gas extraction.

Finally, the House of Commons Housing Communities and Local Government Select Committee carried out an inquiry between January and June 2018 in respect of a number of issues relating to shale gas exploration and production. It concluded that: "Shale gas development of any type should not be classed as a permitted development. Given the contentious nature of fracking, local communities should be able to have a say in whether this type of development takes place, particularly as concerns about the construction, locations and cumulative impact of drill pads are yet to be assuaged by the Government."

Response to Consultation

The recommended responses to the Consultation document is set out in Appendix 1 and concludes, in line with the House of Commons Select Committee, that shale gas exploration should not be classed as permitted development. This is primarily as it would potentially remove altogether, or if a 'prior approval' process is used reduce, the opportunity for local residents and other interested parties to be fully engaged in the decision making process.

Permitted development rights should only be used to free up the planning system by allowing uncontroversial and limited impact development to be granted. The Council does not consider that this should relate to shale gas exploration for the reasons given in the responses below.

APPENDIX 1 – Response to the consultation

The definition of non-hydraulic fracturing

Question 1

a) Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration?

NO

Note:

paragraph 20 of the Consultation document indicates that the purpose would be to allow "operations to take core samples for testing purposes" (i.e. the core samples would be tested). However, the suggested definition indicates there would be a testing period not exceeding 96 hours, with the OGA Consolidated Onshore Guidance explaining that "when testing a discrete section of the well, each section can be produced for a maximum of 96 hours but the total quantity of oil produced from all sections should not exceed 2,000 tonnes per section". This means the suggested definition would allow for a degree of production, which seems to contradict the approach that is being taken in paragraph 20. As such, the Council does not agree with the proposed definition.

b) If No, what definition would be appropriate?

"Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids by obtaining borehole logs and taking core samples for testing purposes"

There is a fundamental difference between collecting geological information in the form of borehole logs and core samples and testing the in situ rock (either with or without fracturing). Officers are of the view that there would not be an issue with putting gas monitoring equipment on top of the borehole for 96 hours to record any 'natural' flows of gas due to the pressure release. To not

do so would be a missed opportunity in terms of data collection.

Question 2

Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right?

NO

Note:

The Council does not consider that any such non-hydraulic fracturing exploration should be permitted development, primarily as it would remove the local level of decision making and local accountability that communities expect. Whilst exploratory drills are not for full hydraulic fracturing (fracking), they can still have a significant impact on the locality, as evidenced at Harthill and Woodsetts. The correct route for such development is through the normal planning application and, where necessary, appeal process.

Although the Government has stated that it remains fully committed to ensuring that local communities are fully involved in planning decisions that affect them, it remains to be seen how the permitted development process would enable full public involvement as the purpose of the consultation is to take shale gas exploration out of the current planning process.

In addition, paragraph 34 of the consultation document acknowledges that it is unclear how effective the proposed legislation would be (in the Government's aim to further the industry) given it envisages a range of exclusions, limitations and restrictions. This shows that these types of proposals would result in multiple and complex planning issues which require expert consideration by planning and regulatory experts with local knowledge on a case by case basis.

If the key aim of the proposal is to speed up the planning process, then full pre-application engagement is recommended between the applicant and the Council (which did not take place at two recent exploratory drill sites within the Rotherham Borough at Harthill or Woodsetts). The most recent Woodsetts application was determined within the 13 week target period, albeit it for refusal due to concerns that Members had in respect of the proposals. In addition, the applicant can refuse to extend the time period for determining the application if it is considered that the Council is taking too long to determine an application, and appeal against non-determination.

If shale gas exploration development was to be defined as permitted development the limitations list would have to be very carefully worded to cover all the possible impacts and issues which might fall to be considered in the planning arena for each any every possible site. These would then have to be enforceable which would no doubt be via an enforcement notice for unauthorised development if it fell outside those permitted. If only one aspect was breached the Council would have to consider whether it would be expedient to take enforcement action bearing in mind the undoubted public pressure the authority would be put under to act.

Development not permitted

Question 3

a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following?

- Areas of Outstanding Natural Beauty
- National Parks
- The Broads
- World Heritage Sites
- Sites of Special Scientific Interest
- Scheduled Monuments
- Conservation areas
- Sites of archaeological interest
- Safety hazard areas
- Military explosive areas
- Land safeguarded for aviation or defence purposes
- Protected groundwater source areas

YES

Note:

This appears to be a relatively comprehensive list and, as such, the Council agrees with the suggested list of excluded areas where permitted development rights would not apply. Additionally, if the development would be EIA development then the new rights do not apply and it is considered that it would be useful to make reference to this within this list of restrictions.

b) If No, please indicate why.

N/A

c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?

NO

Development conditions and restrictions

Question 4

What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?

Notwithstanding the Council's opposition to any form of permitted development right, such rights should not apply where an application on the site has been submitted and is being considered, or has been refused and any related appeal is either ongoing or has been dismissed.
Any permitted development should be subject to the prior approval process (see Q5 below).

Prior approval

Question 5

Do you have comments on the potential considerations that a developer should apply to the local planning authority for a determination, before beginning the development?

Similar to other prior approval categories within the General Permitted Development Order, the developer should apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to (amongst others)—

- (a) transport and highways impacts
- (b) noise impacts
- (c) ecological impacts
- (d) impacts on hedgerows and trees
- (e) visual impact on landscape
- (f) archaeological impact
- (g) heritage impact
- (h) contamination risks
- (i) flooding risks
- (j) cumulative impact with other similar developments

Where prior approval is required, the development must be carried out in accordance with the details approved by the local planning authority.

Note:

Paragraph 33 of the Consultation paper states: “By way of example, the prior approval considerations might include transport and highway impact, contamination issues, air quality and noise impacts, visual impacts, proximity of occupied areas, setting in the landscape and could include elements of public consultation”. The considerations set out in the Council’s response above are very similar to those that would be covered in a planning application, but without the democratic decision making process involved in a planning application.

When dealing with the two sites at Harthill and Woodsetts, there were a significant amount of site specific issues that had to be considered as part of the planning process. The Council remains concerned about the effectiveness of generic conditions or restrictions being used to mitigate the specific impacts at different sites. This highlights why this type of development is not suitable for the permitted development regime.

In addition, it is presumed that such applications would require publicity (as other prior approval applications do) and in view of the likely significant interest that such a proposal would generate, the prior approval route is not considered appropriate for such development.

The amount of work involved (officer time and cost) would be comparable to that of a planning application, albeit with no planning application fee associated with it. It would be unreasonable to significantly increase the workload of the Council in this way without covering the associated costs for the work that would need to be undertaken and which would allow the Council to properly resource the work. It would not be practical to address this through a Planning Performance Agreement (PPA), where the applicant could agree to cover the costs generated by the Council, as it would rely on the goodwill of the applicant/developer to pay the authority, with no requirement for them to do so. Indeed, despite requests for the applicant to enter into a PPA for both the Harthill and Woodsetts sites, no such agreement was reached.

The ‘shale wealth fund’ provides funds to Councils for additional work generated by shale gas applications and the continuation/expansion of the shale wealth fund to guarantee funds to Councils to deal with any prior approval applications would be

welcomed.

Finally, there are concerns about the amount of time that would be given to consider the issues set out under the prior approval application. Many existing prior approval subjects give a limited time period for the Council to determine the application, and if the application is not determined within the specified time period (which can be as little as 28 days) then the development is effectively granted. Such a time period would not be adequate to consider the issues listed in Paragraph 33 of the Consultation document. Some prior approval subjects allow for extensions of time to be agreed between the Council and the applicant, but if the applicant does not agree to such an extension, the Council would no doubt be forced to refuse the details, thereby slowing down the process.

Time-period for a permitted development right

Question 6

Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?

2 years

Note:

The Council has interpreted this question as asking whether the permitted development rights should be changed permanently, or whether they should be trialled for a two year period before being made permanent. The response is based on that assumption.

Given the clear lack of understanding as to the impact that the changes would have,

or how effective they would be, going ahead with permanently changing the permitted development rights would seem to be quite a risk. However, it would be less risky for the Government to make the change temporary with the option to remove the permitted development rights in two years' time, rather than permanently changing them. This two year trial would allow for a full assessment of the effectiveness of the permitted development regime for this type of development and enable Government and Councils to judge what the impacts have been and whether any exploratory development has been sufficiently controlled and its impacts properly mitigated. As such, it is considered that 2 years would be acceptable.

Public sector equality duty

Question 7

Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

The Council has no comments in this respect.

ITEM 2

Government Consultation	Consultation on inclusion of shale gas production projects in the Nationally Significant Infrastructure Project (NSIP) regime
Recommendation	That the responses set out in Appendix 1 form the Council's response to the consultation document.

Background:

The Consultation document notes that this initial consultation seeks views on the timings and criteria for major production phase shale gas projects (where 'fracking' takes place) to be included in the Nationally Significant Infrastructure Project regime under the Planning Act 2008. Responses have to be submitted by 25th October 2018.

The Consultation document states that: "The government recognises that the development of shale gas needs to be alongside support from the local communities which could potentially benefit. Local communities must be fully involved in planning decisions and any shale planning application – whether decided by councils or government. Currently, any organisation wishing to undertake a shale gas development must submit its planning applications to local Mineral Planning Authorities under the Town and Country Planning Act 1990.

The Planning Act 2008 created a planning process for Nationally Significant Infrastructure Projects in fields of development including energy, water, waste water, road and rail transport and hazardous waste disposal. For projects falling within scope of what is defined in the Planning Act 2008 as a Nationally Significant Infrastructure Project, this becomes the only route for obtaining planning consent. The Planning Act 2008 defines the type and scale of infrastructure developments considered to be nationally significant and therefore required to obtain development consent. The final decision for granting development consent rests with the relevant Secretary of State depending on the type of infrastructure project.

If the Planning Act 2008 was amended to include major shale gas production projects as a Nationally Significant Infrastructure Project, then all future shale gas production projects that met defined threshold(s) would have to apply for development consent within the Nationally Significant Infrastructure Project regime. This would only apply to production phase projects, however, and not exploration or appraisal projects for which planning applications would continue to be considered under the Town and Country Planning Act 1990 [subject to the separate proposals to make exploratory drilling permitted development].

Automatically including eligible major shale gas production projects into the Nationally Significant Infrastructure Project regime would bring such applications into a well-defined process with clear, established governance and timelines designed for larger and more complex infrastructure projects. This would bring such shale gas production projects in line with other energy

projects of national significance such as the development of wind farms and gas fired generation stations. In this case, the final decision for granting or refusing development consent would rest with the Secretary of State for the Department of Business, Energy & Industrial Strategy (BEIS).”

The Consultation document adds that: “Under the Planning Act 2008, an operator wishing to construct a Nationally Significant Infrastructure Project must submit a development consent application to the Secretary of State. As part of this process, the operator will need to have assessed any likely significant impacts of the proposed project. For such projects, where an application is accepted, the Secretary of State will appoint an ‘Examining Authority’ to examine the application in accordance with any relevant National Policy Statement. The Examining Authority will be arranged by the Planning Inspectorate and will be either a single Inspector or a panel of between two and five Inspectors.

The examination will take into account any information and have regard to any local impact report submitted by the local authority as well as representations from statutory bodies, non-governmental organisations and other interested parties including the local community. Once the examination has been concluded, the Examining Authority will reach its conclusions and make a recommendation to the Secretary of State, who will make the decision on whether to grant or to refuse consent.”

Finally, the House of Commons Housing Communities and Local Government Select Committee carried out an inquiry between January and June 2018 in respect of a number of issues relating to shale gas exploration and production. It concluded that:

“There is little to be gained from bringing fracking planning applications at any stage under the NSIP regime; there is limited evidence that it would expedite the application process and such a move is likely to exacerbate existing mistrust between local communities and the fracking industry. We are particularly concerned that if the NSIP regime were adopted, there would be no relationship between fracking applications and Local Plans in communities. Furthermore, we note that the Government has not provided any justification or evidence for why fracking has been singled out to be included in a national planning regime in contrast to general mineral applications.

Fracking planning applications should not be brought under the NSIP regime. While we note that the NSIP regime does provide opportunities for consultation with Mineral Planning Authorities and local communities, such a move could be perceived as a significant loss to local decision-making. Mineral Planning Authorities are best placed to understand their local area and consider how fracking can best take place in their local communities.

Despite our recommendation above and the overwhelming evidence we received, if NSIP were to be used for fracking applications, it is essential that a National Policy Statement is prepared as a matter of urgency that would include suitable measures to restrict inappropriate proliferation of well-pads and unacceptable impacts on landscapes. We consider that the North

Yorkshire Draft Joint Minerals and Waste Plan offers an appropriate template for such guidance. While we note that the Government stated that the issue of cumulative impact “would be addressed on a case by case basis as part of the NSIP examination process,” the National Policy Statement should ensure that it is considered automatically as part of every determination. Every decision should also be consistent with Local Plans.”

Response to Consultation

The recommended responses to the Consultation questions are set out in Appendix 1 and conclude, in line with the House of Commons Select Committee, that it is not considered that major shale gas production projects should be included in the Nationally Significant Infrastructure Project regime, primarily as the ultimate decision making process would be removed from the Council.

APPENDIX 1 – Response to consultation

Consultation questions:

Q1. Do you agree with the proposal to include major shale gas production projects in the Nationally Significant Infrastructure Project regime?

Answer:
No.

Q2. Please provide any relevant evidence to support your response to Question 1.

Answer:
The NSIP process requires people living in the vicinity of the site have to be consulted on proposed projects at the pre-application stage, and this is welcomed, and it also allows the Council and local residents etc to input into the decision making process at any subsequent Examination of the application. However, the ultimate decision is taken by the Secretary of State. The Council can see a strong argument for decisions on fracking applications remaining at a local level, i.e. by Members of the Planning Board following consideration of committee reports compiled by planning officers. This provides the most democratic method of decision making, and includes a fair and transparent process that leads to the Council’s ultimate decision on any specific proposal. Objectors and supporters alike are given the opportunity to speak at Planning Board meetings and if decisions were not made at the local level this opportunity may be lost.

In addition, shale gas proposals, even at the early stages, are extremely demanding on resources, particularly professional planning, legal and support staff. The Council would continue to have a significant role in the process from

the pre-application stage right through to the monitoring and enforcement of any Development Consent Order, along with the conditions attached, as well as agreeing the terms of any S106 agreement. This involvement would take up considerable time and resources with no fee being paid to the Council as the planning fee for these proposals would be paid to the Planning Inspectorate. As such, should the proposals be adopted then Councils would need to be resourced accordingly, perhaps through the continuation of the 'shale gas fund'.

Q3. If you consider that major shale gas production projects should be brought into

the Nationally Significant Infrastructure Project regime, which criteria should be used to indicate a nationally significant project with regards to shale gas production? Please select from the list below:

- a. The number of individual wells per well-site (or 'pad')
- b. The total number of well-sites within the development

Answer:

The Consultation document states that: "since shale gas is within very low permeability rock the gas does not easily flow. Therefore, to access and produce commercial amounts of natural gas multiple horizontal wells are drilled and hydraulically fractured. The number of horizontal wells will vary depending on the geology and gas properties, however, with multiple wells from one well-site and potentially multiple well-sites within a Petroleum Exploration and Development Licence this could provide criteria for when a production project is nationally significant."

It is unlikely that an individual site (or pad) would be of "national significance", irrespective of the number of wells. The point at which a multi-pad scheme would be nationally significant would differ from site to site, and there would need to be some kind of preventative measure to stop sites over a wide geographical area being bundled together as one NSIP application when they are not actually part of the same development.

- c. The estimated volume of recoverable gas from the site(s)
- d. The estimated production rate from the site(s), and how frequently (e.g. daily, monthly, annually or well lifetime)

Answer:

It is considered that the volume of resource/production is the best indicator as to whether a scheme is of national significance. However, there are serious concerns given the inherent uncertainty with 'estimated' volumes, be it recoverable volumes or production rates, which could be manipulated to be in/out of the NSIP process.

- e. Whether the well-site has/will require a connection to the local and/or national gas distribution grid.

Answer:

A well site, or sites, not connected to the grid may well have greater impacts, particularly in respect to ongoing traffic movements, although these would be local impacts and should be considered as part of the normal application planning process. Connection to the grid may indicate a larger and more significant scheme, though it might just be because there is a grid connection near to the proposed development site. It is considered that this would not be a useful criteria for determining national significance.

f. Requirement for associated equipment on-site, such as (but not limited to) water treatment facilities and micro-generation plants.

Answer:

Once again, these are considered to be local impacts and should be considered as part of the normal application planning process. With regard to generation, there are plenty of natural gas sites (coal mine methane) within the region that include micro-generation 1-2MW per engine and up to three engines at some sites. These sites are clearly not nationally significant, so it is suggested that there would need to be a MW threshold set reasonably high, such as 50MW (although this would trigger the NSIP process itself anyway).

g. Whether multiple well-sites will be linked via shared infrastructure, such as gas pipelines, water pipelines, transport links, communications, etc.

Answer:

The likelihood of multiple sites all being linked under a single application are unlikely and each multiple site would have been assessed separately as part of the normal planning application process. If a proposed multiple site is to be linked to an already approved multiple site, then the required connection implications could be considered as part of the normal planning application process.

h. A combination of the above criteria – if so please specify which
i. Other – if so please specify

Answer:

No further comment.

Q4. Please provide any relevant evidence to support your response(s) to Question 3.

Answer:

As set out in Q3 above.

Q5. At what stage should this change be introduced? (For example, as soon as possible, ahead of the first anticipated production site, or when a critical mass of shale gas exploration and appraisal sites has been reached).

Answer:

It is not considered that the change should be introduced at all, for the reasons set out above. In addition, at this stage it is unknown whether there is economically recoverable shale gas available.

Q6. Please provide any relevant evidence to support your response to Question 5.

Answer:

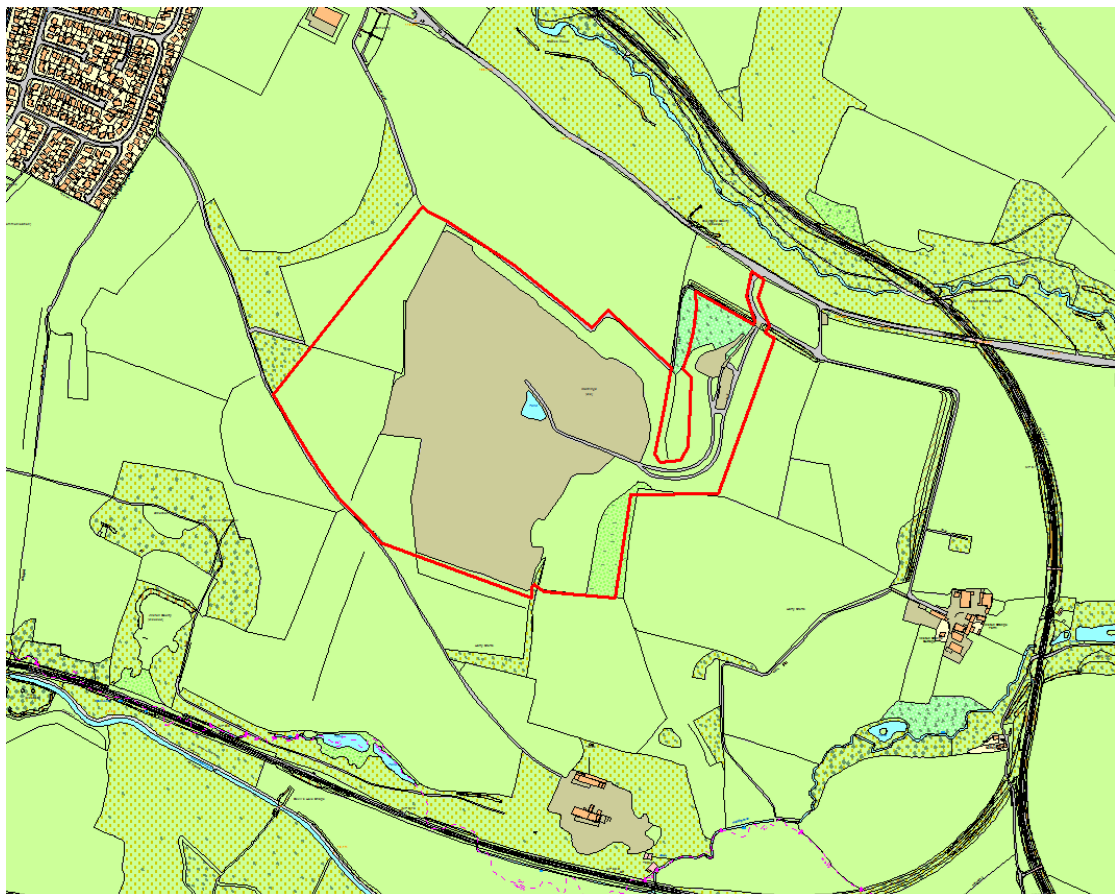
No further comment.

ITEM 3

Appeal Decision - RB2016/1539 - Harrycroft Quarry, Worksop Road, South Anston

Proposed development:

The application was to vary conditions 01 (proposed plans), 02 (site restoration), 15 (restoration works), 16 (site opening hours), 17 (loading of stone), 18 (recycling), 23 (deliveries), 26 (field noise level), 28 (blasting operations), 29 (blasting charges), 33 (topsoil & subsoil workings), 34 (controlled skipping), 36 (restoration work), 37 (graded tipped surfaces), 40 (trees, shrubs & hedgerows), 41 (phase plans) imposed by RB2010/1308 at Harrycroft Quarry, Worksop Road, South Anston. The permission would have effectively allowed the quarry to re-open as the period of consent had lapsed – reference RB2016/1539.



Recommendation

1. That Members note the decision to ALLOW the appeal, in accordance with the terms of the application Ref RB2016/1539, dated 30 June 2017, and subject to the conditions listed at the end of the decision.
2. That Members note that the application for costs was DISMISSED.

A copy of the decisions are attached.

Background

The long-established Harrycroft Quarry lies in open countryside to the north-west of Worksop and near the village of South Anston. The overall site extends to some 38ha with operations including limestone extraction as well as importation of inert materials for backfilling and restoration. Vehicular access from the A57 is via a hard-surfaced road which also serves Anston Grange Farm to the east.

The application was refused by Members at Planning Board on 22nd June 2017 against Officer's advice for the following reason:

01

The Council considers that the A57 Worksop Road at, and in the vicinity of, the site access is unsuitable to safely cater for the additional HGV traffic entering and leaving the site. The speed and volume of traffic on Worksop Road where overhanging vegetation restricts visibility such that the slowing and turning of HGV's in the relatively narrow carriageway would conflict with other traffic, to the detriment of road safety on one of the Borough's key transport routes.

Inspector's Decision

The Inspector considered that the main issue was the implications of the proposal for highway safety on the A57.

The Inspector noted that: "the A57 is a key transport route both within the Borough and sub-regionally and accordingly carries a high volume of traffic, as I saw at my site visit. The access to the quarry from the main road comprises a T-junction with auxiliary lanes on both sides to accommodate incoming and departing vehicles. Amongst other things, the Council is concerned that the access is unsuitable to cater for the additional HGV traffic entering and leaving the site via the A57.

The Transport Assessment anticipates an average of 8 haulage vehicle movements/hour (4 in/4 out) and up to a maximum of 13 vehicle movements/hour (6.5 in/6.5 out), with a directional split of 75% vehicles to/from the west and 25% to/from the east".

The Inspector noted that: "The appellant's survey of traffic in the vicinity of the access indicates that the 85th percentile speeds on the A57 are 3.1mph above the 50mph speed limit eastbound and 0.6mph above the limit westbound. As such, there is no evidence to show that the road is subject to speeds materially in excess of the posted limit.

The submitted traffic data indicates that traffic levels on the A57 in the vicinity of the appeal site have not increased significantly over the last 12 years. In terms of traffic volume, the appellant's highway evidence includes a modelled junction capacity assessment which shows that the access is capable of accommodating vehicular movements generated by the extended quarrying

and associated operations proposed on the site. Even if predicted future traffic growth occurs on the local highway network, the evidence shows that the site access has the capacity to serve the extended quarrying activities to 2033”.

The Inspector noted that: “The access has therefore served the quarry for some significant time without incident. There are no records of accidents that are directly attributable to the use of the access by vehicles associated with the previous quarrying operations on the land. There are no material changes in the nature of the use of the access arising from the appeal proposal that would adversely affect the operational ability and capacity of the access to serve the quarry. Moreover, there have been no changes in highway design standards since the permission associated with the appeal scheme”.

The Inspector concluded that, having regard to the prevailing highway conditions, and subject to the provision of the measures volunteered by the appellant by way of condition and planning obligation, the operations on the site as a result of the appeal proposal would not materially harm highway safety on the A57.

He considered that the conditions suggested by the main parties are imposed with some minor modification and added precision in the interests of clarity and having regard to relevant provisions in the Planning Practice Guidance.

Conditions

The decision notice includes 45 conditions, some of which are ‘pre-commencement’ conditions that have to be addressed before the development takes place.

Costs Appeal

The appellant had requested costs on the basis that the Council had acted unreasonably though the Inspector noted that: “Despite my findings on the highway merits of the proposal, I consider that the Council has satisfactorily demonstrated how it considered the proposal would compromise highway safety on the A57 in the vicinity of the site access”.

The Inspector therefore found that: “unreasonable behaviour resulting in unnecessary or wasted expense, as described in the National Planning Practice Guidance, has not been demonstrated and the application for an award of costs fails”.



Appeal Decision

Site visit made on 14 August 2018

by Michael Moffoot DipTP MRTPI DipMgt

an Inspector appointed by the Secretary of State

Decision date: 12 September 2018

Appeal Ref: APP/P4415/W/17/3190757

Harrycroft Quarry, Worksop Road, South Anston, Rotherham S81 8BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Atkinson (Tarmac) against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref: RB2016/1539, dated 10 November 2016, was refused by notice dated 30 June 2017.
 - The application sought planning permission for 'variation to condition 6 imposed by RB/2006/2094 to amend the required period for the submission of a revised scheme for the restoration of the site should mineral extraction/waste infill cease for a period in excess of twelve months' at Harrycroft Quarry, Lindrick Dale, Lindrick, Rotherham for Lafarge Aggregates Limited' without complying with conditions attached to planning permission Ref: RB2010/1308/VC dated 20 December 2010.
 - The relevant conditions and reasons given are set out in the attached Schedule 1.
-

Decision

1. The appeal is allowed and planning permission is granted for variation to condition 6 imposed by RB/2006/2094 to amend the required period for the submission of a revised scheme for the restoration of the site should mineral extraction/waste infill cease for a period in excess of twelve months at Harrycroft Quarry, Lindrick Dale, Lindrick, Rotherham for Lafarge Aggregates Limited without compliance with conditions 1, 2, 15, 16, 17, 18, 23, 26, 28, 29, 33, 34, 36, 37, 40 and 41 previously imposed on planning permission Ref: RB2010/1308/VC dated 20 December 2010 but otherwise subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following additional/replacement conditions set out in Schedule 2 (attached).

Application for Costs

2. An application for costs was made by Tarmac against Rotherham Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application at appeal seeks to vary a number of conditions relating to, amongst other things, the time period for extraction operations, phasing, restoration, hours of quarrying, blasting and loading operations, blasting

regulation, recycling, soil storage, deposit of waste material, delivery of road planings, noise level restrictions, landscaping and site aftercare.

4. The sole reason for refusal relates to highway safety matters. However, a number of the variations to conditions sought are of concern to other parties, including a Ward Councillor, the Parish Council and local residents. I deal with these matters later in my decision.
5. For the avoidance of doubt, the plans accompanying the proposal at appeal comprise: H321/00003; H321/00004; H321/00005; H321/00006 and H321/00007. Plan no 112348/1001 Rev B indicating proposed junction improvements accompanies the appeal papers. It includes replacement, relocated and additional highway signage, new road markings and verge maintenance details. The Council and interested parties have had the opportunity to comment on the drawing, and I do not consider that any party would be prejudiced by inclusion of the proposals in my determination of the appeal.
6. The appeal is accompanied by a planning obligation dated 18 January 2018 under s106 of the 1990 Act relating to payment of a Traffic Management Contribution to the Council, HGV routing and its enforcement and management of the Newt Relocation Area.

Main Issue

7. The main issue in this case is the implications of the proposal for highway safety on the A57.

Reasons

Background

8. The long-established Harrycroft Quarry lies in open countryside to the north-west of Worksop and near the village of South Anston. The overall site extends to some 38ha with operations including limestone extraction as well as importation of inert materials for backfilling and restoration. Vehicular access from the A57 is via a hard-surfaced road which also serves Anston Grange Farm to the east.
9. The estimated remaining limestone reserves amount to some 2.55m tonnes which the appellant estimates will take some 15 years to extract at an annual rate of 200,000-300,000 tonnes. Recycling operations on the site and importation of material for restoration would continue at the present rates. The extant permission¹ for mineral extraction expired on 31 December 2016 (condition 01), and condition 02 requires restoration of the land to render it suitable for agriculture by 31 December 2018.
10. Extraction has declined following a reduction in demand as a result of the economic downturn since the 2010 permission. However, the appellant advises that a gradual increase in regional demand now warrants reopening of the quarry to extract the limestone deposits authorised by earlier permissions. As a consequence, they seek to vary conditions 01 and 02 to extend mineral extraction to December 2031 and complete restoration by December 2033.

¹ Council ref: RB2010/1308(VC)

11. The proposal also includes variation to conditions 15, 17, 18, 23, 26, 29, 33, 34, 36, 37, 40 and 41 to modify the phasing and restoration schemes to take account of ecological circumstances on the site and to reflect the change in drawing numbers. In addition, conditions 16 and 28 would be varied to reduce the operational hours for primary plant and equipment and preclude blasting on Saturdays.
12. The application is accompanied by an Environmental Statement which explains the background to the proposals, existing conditions, proposed working and restoration schemes. It also includes an environmental impact assessment and consideration of mitigation measures where appropriate.

Highway safety

13. The A57 is a key transport route both within the Borough and sub-regionally and accordingly carries a high volume of traffic, as I saw at my site visit. The access to the quarry from the main road comprises a T-junction with auxiliary lanes on both sides to accommodate incoming and departing vehicles. Amongst other things, the Council is concerned that the access is unsuitable to cater for the additional HGV traffic entering and leaving the site via the A57.
14. The Transport Assessment anticipates an average of 8 haulage vehicle movements/hour (4 in/4 out) and up to a maximum of 13 vehicle movements/hour (6.5 in/6.5 out), with a directional split of 75% vehicles to/from the west and 25% to/from the east.
15. The appellant's survey of traffic in the vicinity of the access indicates that the 85th percentile speeds on the A57 are 3.1mph above the 50mph speed limit eastbound and 0.6mph above the limit westbound. As such, there is no evidence to show that the road is subject to speeds materially in excess of the posted limit.
16. The submitted traffic data indicates that traffic levels on the A57 in the vicinity of the appeal site have not increased significantly over the last 12 years. In terms of traffic volume, the appellant's highway evidence includes a modelled junction capacity assessment which shows that the access is capable of accommodating vehicular movements generated by the extended quarrying and associated operations proposed on the site. Even if predicted future traffic growth occurs on the local highway network, the evidence shows that the site access has the capacity to serve the extended quarrying activities to 2033.
17. As to visibility at the access, drawing 112348/1002 shows that 2.4m x 160m visibility splays are achieved at the 'Give Way' line, which is set at the back of the auxiliary lanes to either side of the junction. However, the appellant acknowledges that this is dependent upon pruning of overgrowth at each end of the auxiliary lanes and pruning back of overhanging vegetation on the north side of the A57 to the west of the junction.
18. The Council notes that the carriageway width of 6.66m some 150m to the west of the access and 7m some 175m to the east are below the width of 7.3m advocated in the *Design Manual for Roads and Bridges*². The appellant advises that the carriageway width is about 7.3m in the vicinity of the access, and I have seen no evidence to show otherwise.

² Volume 6 Section 1 Part 1 TD 9/93

19. Concerns are also expressed about the poor condition of the existing advance highway warning signs in the vicinity of the access and the need for measures to secure cutting back of vegetation to improve visibility of the signs for road users. The appellant acknowledges that ongoing highway surface maintenance is likely to be required during the extended operation of the quarry.
20. It includes pruning of roadside vegetation, renewal of road markings and monitoring and possible renewal of the surface on the auxiliary lanes, monitoring of skid resistance of the access road in the vicinity of the 'Give Way' line and possible resurfacing, and monitoring/renewal of road markings at the access as necessary.
21. The appellant suggests an agreement with the Council to secure these measures throughout the life of the quarry. However, whilst the submitted planning obligation provides for the replacement of existing signs in the vicinity of the access, use of suitable passively safe posts and cutting back of vegetation to improve the visibility of the signs, no provision is made for the other measures identified in paragraph 19 (above). Accordingly, the appellant has volunteered an additional condition which would require approval of a scheme to incorporate all the necessary measures.
22. Paragraph 109 of the *National Planning Policy Framework*³ states that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
23. The Council's evidence shows that there has been only one accident in the immediate vicinity of the junction in the last 12 years, which was unrelated to operational vehicles using the access.
24. The access has therefore served the quarry for some significant time without incident. There are no records of accidents that are directly attributable to the use of the access by vehicles associated with the previous quarrying operations on the land. There are no material changes in the nature of the use of the access arising from the appeal proposal that would adversely affect the operational ability and capacity of the access to serve the quarry. Moreover, there have been no changes in highway design standards since the permission associated with the appeal scheme.
25. Having regard to the prevailing highway conditions, and subject to the provision of the measures volunteered by the appellant by way of condition and planning obligation, I conclude that the operations on the site as a result of the appeal proposal would not materially harm highway safety on the A57.

Other Matters

26. The operation would not affect the landscape in the vicinity of the cemetery to the north-west of the appeal site. There is no technical evidence before me to show that quarrying operations on the site would be detrimental to the cemetery or the structural integrity of residential properties in South Anston, and blasting operations would be controlled by operational and monitoring planning conditions.

³ As amended July 2018

27. Given the proximity of the quarry to South Anston, I consider that the operational hours set out in conditions 17, 18 and 24 represent a reasonable balance between the commercial interests of the appellant and the legitimate safeguarding of residents' living conditions.
28. I have seen no compelling justification to require resurfacing of the A57 between South Anston and the site access as a result of resumption of quarrying activities at the site. Similarly, no clear case is made for improvements to highway and pedestrian infrastructure within the village.
29. Subject to the proposed mitigation measures, I am satisfied that the development would not be detrimental to Sites of Special Scientific Interest in the area, including Anston Stones Wood.
30. Finally, I am advised that the planning application for test drilling at Woodsetts was refused by the Council in March 2018.

Conditions

31. The conditions suggested by the main parties are imposed with some minor modification and added precision in the interests of clarity and having regard to relevant provisions in the *Planning Practice Guidance*.
32. Time-limited conditions for extraction and restoration works are fundamental to the development permitted. Upon expiry of operations on the site the associated buildings, hardstandings, plant, equipment, structures and all roads should be removed in the interests of visual amenity.
33. To ensure accordance with the approved scheme it is appropriate to require copies of the permission and relevant tipping/restoration/aftercare measures to be kept on site for inspection.
34. In the interests of residential and environmental amenity it is necessary and reasonable to require:
 - restrictions on the operational hours/days of the site (including blasting) and a noise limit on operations on the site during working hours
 - advance notice of soil stripping/restoration and undertaking of associated operations during dry conditions
 - safeguarding of surrounding land stability
 - a revised scheme for the restoration of the site in the event that the quarrying/infill operations are suspended for more than 12 months
 - an annual limit on the amount of inert material processed on the site and a restriction on the stored height of such material
 - noise attenuation for re-cycling operations
 - a restriction on the number of road plantings deliveries and noise generated by the operation; provision of appropriate silencing for all employee and operational vehicles on the site
 - appropriate measures to contain dust, mud and other materials within the site

- provision of a blast database and measures to review such operations
 - appropriate arrangements for the location and management of soil storage
 - arrangements for progressive and controlled tipping and restoration operations within the site, including prevention of ponding
 - protection of trees and hedgerows on the site and their replacement if necessary
 - provision for landscaping and any necessary replacement following infilling
 - a five year aftercare programme following completion of restoration works
 - protected species habitat investigation if operations cease for more than three months on the site
 - assessment of flora and fauna habitats prior to the recommencement of operations on the site
35. A scheme of archaeological investigation and recording before operations recommence on site is also necessary and reasonable.
36. In the interests of highway safety access to the site should be limited to the A57.
37. To prevent pollution, fuel and oil storage facilities should be enclosed in suitable bunds and waste infill restricted to clean inert material, with waste re-cycling undertaken on an impervious base.

Conclusion

38. For these reasons set out above, and having regard to all other matters raised, I conclude that the proposed development is acceptable and the appeal should succeed subject to the revised conditions.

Michael Moffoot

Inspector

SCHEDULE 1

The conditions in dispute are Nos 1, 2, 15, 16, 17, 18, 23, 26, 28, 29, 33, 34, 36, 37, 40 and 41 which state:

01. The permission hereby granted shall be carried out only in accordance with the details and specifications indicated on the plans presented in report reference No. LAF/HY/SPH/1366/01/FIN comprising the Environmental Statement, dated November 2006. Mineral extraction shall be completed by 31 December 2016 and on-going progressive restoration

by importation with inert waste materials shall be completed by 31 December 2018.

02. No later than 31 December 2018 referred to in Condition 1 above, mineral extraction and restoration works (excluding aftercare) shall have ceased and the site shall have been restored, treated and brought to a state suitable for agriculture in accordance with the conditions set out below and as shown on the approved restoration Plan Ref. 1627/Appendix E - Rev E.
15. Working shall be carried out so as not to endanger the stability of the surrounding land. The site shall be worked and restored progressively, as indicated on Plan No. LAF/HY/03-06/12788 and detailed in the letter dated 26 February 2007. This information shall be updated annually in the form of a report to be submitted to the Mineral Planning Authority identifying restoration work completed during the previous twelve months and proposed restoration work for the next twelve months. The first report shall be submitted within twelve months of the date of the recommencement of works.
16. Except in case of emergency and with the exception of those activities covered by Conditions 17 and 23 below, no operations shall take place on the site other than between the hours of 0700 and 1800 Mondays to Fridays and between the hours of 0700 and 1300 on Saturdays. There shall be no working on Sundays or public holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Mineral Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
17. The loading of stone for sale shall only take place during the hours of 0600 to 1800 on Mondays to Fridays and between the hours of 0600 to 1300 on Saturdays. No such operations shall take place on Sundays or public holidays. All loading of vehicles prior to 0700 hours shall take place only within the area shown as phase 5 on Plan No. LAF/HY/03-06/12788.
18. The recycling element of the scheme shall be located in accordance with Plan No. LAF/HY/10-06/13185 and operated in accordance with the original supporting statement dated November 2001 and the letter dated 1 May 2002.
23. When road planings are delivered to the site outside of the hours that the quarry is usually open as set out in Condition 16 above, this should be at a rate of no more than seven deliveries by lorry per hour during the hours that the quarry is usually closed. During the hours when the quarry is usually closed, noise emissions from the site shall not exceed 45d B (A)Leq, 10 mins, or 5d B(A) above background at least 3.5 metres from the nearest façade of Anston Grange Farm or the nearest residential property.

26. During the working hours permitted in Conditions 16 and 17 above, the A weighted equivalent continuous free field noise level (Leq dB(A), (1 hr.)) attributable to the operations measured at the nearest boundaries of the residential property shall not exceed: 45 dB(A)Leq in any one hour period during all site operations; and 50 dB(A)Leq in any one hour period maximum measured at least 3.5 metres from the nearest facade of Anston Grange Farm (the nearest residential property).
28. Except in case of emergency, blasting operations shall be carried out only between the hours of 11.00 and 12.00 and 14:00 and 16:00. on Mondays and Fridays and between the hours of 11.00 and 12.00 on Saturdays and not at all on public holidays and shall be limited to no more than three times per week.
29. Blasting charges shall be so regulated to ensure that during any period of thirteen consecutive weeks as operations progress, ground vibrations produced shall not exceed a peak particle velocity in any plane of 6 mm/second at the 95% confidence limit, with no blast producing a peak particle velocity in any plane greater than 12 mm/s-1 measured at the ground surface adjacent to the nearest property to the blast. If monitoring results from any blast exceed a peak particle velocity in any plane of 6mms-1 all further blasting will be suspended pending an investigation into the blast design and monitoring data. In devising and implementing the blasting programme for the site, the operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting.
33. All topsoil and subsoil shall be stripped in advance of working and where not immediately employed shall be separately stacked along the northern boundary of the quarry or the soil storage area in the south of the quarry in a location to be agreed with the Mineral Planning Authority and in accordance with details contained in the Environmental Statement. All such materials shall be retained on site and prevented from mixing and contamination. Such stacks shall not be traversed by heavy vehicles or machinery except during stacking or re-spreading. The stacks shall be regularly formed and maintained in a tidy and weed-free condition for the duration of their presence on the site and so as to be available for subsequent agricultural reinstatement of the land.
34. The material to be tipped shall be deposited progressively by methods of controlled tipping which accord with the terms of the improvement conditions contained in the PPC permit issued by the Environment Agency. All waste material shall be deposited within the excavations and re-spread evenly to conform to the approved finished contours as shown on Plan No. LAF/HY/02-07/13372. No waste material either derived from the quarry or brought into the site shall be deposited above the general level of the surrounding original land.
36. Restoration shall be carried out progressively across the site in accordance with the approved scheme indicated on Plan Nos. LAF/HY/10-06/13185 and LAF/HY/03-06/12788 and in accordance with the details contained in the Environmental Statement and the good practice notes drawn up by the Natural England.

37. The graded tipped surfaces shall be progressively achieved as shown on Plan Nos. LAF/HY/03-06/12788 and 1627/Appendix E - rev E and in accordance with the Environmental Statement. Following tipping operations and the placement of the soil, the soil shall be cultivated to bring the topsoil to a suitable agricultural tilth.
40. Trees, shrubs and hedgerows shall be planted on the site in the areas shown on Plan No. 1627/ Appendix E - Rev E within the first available planting season after infilling of the areas shown on Plan No. LAF/HY/03-06/12788, trees and/or shrubs shall be planted on the site in accordance with a scheme to be submitted to and approved in writing by the Mineral Planning Authority, such scheme to provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner for the prior approval of the Mineral Planning Authority.
41. Upon completion of restoration works in each phase shown on Plan No. LAF/HY/03-06/12788 the land shall be managed for a period of five full growing seasons in accordance with an aftercare scheme(s) which shall have received the prior approval of the Mineral Planning Authority and which shall specify the steps to be taken to bring the land to the required standard for use for agriculture. The scheme(s) shall include: (a) Annual meetings attended by the Mineral Planning Authority to appraise the effectiveness of aftercare and to assess any further measures which may be required in the following year; (b) Sub-soiling, cultivation, fertilising, liming, seeding to grass and management of the grass sward by grazing or mowing, together with such drainage/under drainage works as may be necessary as restored areas become established throughout the duration of the aftercare period; and (c) Prior to the annual meeting all restored soils shall be sampled at six samples per hectare and at a depth of 15 cm (in accordance with Natural England advice to assess fertiliser and lime requirements). The results of such analysis shall be supplied to the Mineral Planning Authority and made available to the annual meeting.

The reasons given for the conditions are:

01. To limit the extent and duration of the permission in the interests of amenity and to permit the land to be restored/redeveloped in accordance with Policies MIN 6 of the adopted Unitary Development Plan. #
02. To limit the extent and duration of the permission in the interests of amenity and to permit the land to be restored/redeveloped in accordance with Policies MIN 6 of the adopted Unitary Development Plan.
15. In order to maximise the quality of restoration works carried out, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.
16. In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.
17. In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

18. To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.
 23. In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.
 26. In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.
 28. To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.
 29. To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.
 33. To ensure that all available soil resources on the site are efficiently stripped in a controlled manner, retained on site, and suitably stored free from risk of contamination, ready for use in subsequent restoration, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.
 34. In order to maximise the quality of restoration works carried out, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.
 36. To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.
 37. To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.
 40. To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.
 41. To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.
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SCHEDULE 2

01. The permission hereby granted shall be carried out only in accordance with the details and specifications indicated on the Mineral Extraction Plan (H321/05 dated 19 October 2016) and the Tarmac Environmental Statement dated November 2016. Mineral extraction shall be completed by 31 December 2031 and ongoing progressive restoration by importation with inert waste materials shall be completed by 31 December 2033.

02. No later than 31 December 2033 referred to in Condition 01 above, mineral extraction and restoration works (excluding aftercare) shall have ceased and the site shall have been restored, treated and brought to a state suitable for agriculture in accordance with the conditions set out below and as shown on the approved restoration Plan No H321/00007.
03. The export of minerals and import of waste materials authorised by this permission shall not commence until a scheme for the maintenance of the public highway, road markings and vegetation shown on Drawing No 112348/1002 dated 22 November 2017 has been submitted to and approved in writing by the Local Planning Authority. The approved highways and verge management scheme shall include measures to:
- (i) ensure roadside vegetation is regularly trimmed to maintain the visibility splays free of obstruction and ensure sight of the traffic signs for road users;
 - (ii) monitor and renew the road markings along the auxiliary lanes to each side of the site access with the A57;
 - (iii) monitor and renew the road surfacing within the auxiliary lanes;
 - (iv) monitor the surfacing/skid resistance of the access road within the vicinity of the 'Give Way' lines at the access and renew the surface as required by the Local Planning Authority; and
 - (v) monitor and renew the road markings at the access as required by the Local Planning Authority.

The approved highways and verge management scheme shall be complied with by the site operator throughout the life of the development hereby permitted or until such time as an agreement under section 38 of the Highways Act 1980 or appropriate alternative legal arrangements have been entered into between the site operator and Local Planning Authority.

04. At all times a copy of the approved scheme of tipping/restoration/aftercare and a copy of this planning permission shall be available for inspection at the site office by site operatives and contractors working on the site.
05. Not less than seven days' notice shall be given in writing to the Mineral Planning Authority before any soil stripping and/or replacement commences. Top soil, sub soil, and soil making material shall only be stripped, spread or worked in dry weather and when the soil is in a dry and friable condition.
06. On completion of the extraction operations or the termination of the period referred to in Condition 01 above, all buildings, hardstanding areas, roadways, plant, equipment, structures and the whole of the quarry access road to its junction with the (A57) Worksop Road shall be removed from the site and the land restored in accordance with the restoration and aftercare requirements of the conditions below. The access point to Worksop Road shall be closed and the highway/highway verge shall be

reinstated in accordance with details which have previously been submitted to and approved in writing by the Mineral Planning Authority.

07. Should for any reason mineral extraction or waste infill from the site cease for a period in excess of 12 months then, within three months of the receipt of a written request from the Mineral Planning Authority, a revised scheme for the restoration of the site shall be submitted for the written approval of the Mineral Planning Authority. Within 12 months of its approval by the Mineral Planning Authority the approved, revised restoration scheme shall be implemented.
08. Prior to the recommencement of the development hereby permitted a programme of archaeological work shall be implemented in accordance with a written scheme of investigation and a recording of all findings shall be submitted to and approved in writing by the Mineral Planning Authority.
09. All mineral extraction and tipping operations shall be confined to the area shown outlined in red on Plan Nos H321/00005 and H321/00006.
10. Access to and egress from the site for the purposes of this development shall be solely from the (A57) Worksop Road as shown on Plan No LAF/HY/03- 06/12789 Rev A.
11. The access to the quarry shall be maintained and kept in a clean condition for the duration of all extraction, earth moving and tipping operations/works on the site. Measures shall be taken to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any wheel/chassis cleaning facilities provided on site shall be maintained in good working order and any accidental deposition of mud, dust and other materials on the quarry access road or the public highway shall be immediately removed.
12. All vehicles loaded with aggregate and leaving the site shall be securely and effectively sheeted.
13. Notwithstanding the provisions of Part 17 of the Town and Country Planning General Permitted Development Order 2015 (as amended), no building or immobile plant shall be erected on the site without the prior written permission of the Mineral Planning Authority.
14. Any fuel and oil supply tanks shall be surrounded by bund walls of sufficient height, length and breadth so as to contain at least 110% of the storage capacity of the tanks and any associated pipework. The floor and walls of the bunded area so created shall be impervious to water and oil.
15. The importation of waste materials for deposit in the quarry void shall be limited to clean inert material.
16. All work shall be carried out so as not to endanger the stability of the surrounding land. The site shall be worked and restored progressively, as indicated on Plan No H321/00006 dated 04 November 2016 and as detailed in the Environmental Statement dated November 2016. This

information shall be updated annually in the form of a written report to be submitted to the Mineral Planning Authority identifying restoration work completed during the previous twelve months and proposed restoration work for the next twelve months. The first report shall be submitted within twelve months of the date of the recommencement of works.

17. Except in case of emergency and with the exception of those activities covered by conditions 18 and 24 below, no operations shall take place on the site other than between the hours of 0700 and 1800 Mondays to Fridays and between the hours of 0700 and 1300 on Saturdays. There shall be no working on Sundays or public holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Mineral Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a written schedule of essential work shall be provided to the Mineral Planning Authority.
18. The loading of stone for sale shall only take place during the hours of 0600 to 1800 on Mondays to Fridays and between the hours of 0700 to 1300 on Saturdays. No such operations shall take place on Sundays or public holidays. All loading of vehicles prior to 0700 hours shall take place only within the area shown as Phase 5 on Plan No LAF/HY/03-06/12788.
19. The recycling element of the scheme shall be located in accordance with Plan No H321/00005 and operated in accordance with the original supporting statement dated November 2001 and the letter dated 1 May 2002.
20. All waste recycling operations shall be carried out on an area with an impervious base.
21. No more than 25,000 tonnes of inert material for recycling shall be delivered and processed at the site in any twelve month period.
22. Stockpiles of material awaiting recycling or which has been recycled shall be stored no higher than three metres above the level of the quarry floor.
23. The recycling operations shall only be operated in accordance with a noise attenuation scheme which has been submitted to and approved in writing by the Mineral Planning Authority before such operations commence.
24. When road planings are delivered to the site outside of the hours that the quarry is usually open (as set out in condition 17 above) this shall be at a rate of no more than seven deliveries by lorry per hour during the hours that the quarry is usually closed. During the hours when the quarry is usually closed, noise emissions from the site shall not exceed 45d B (A)Leq, 10 mins, or 5d B(A) above background at least 3.5 metres from the nearest façade of Anston Grange Farm or the nearest residential property.
25. Seven days' written notice shall be given to the Mineral Planning Authority prior to the commencement of the importation of road planings outside normal working hours.

26. All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or other equipment arising from the quarrying activities. All reversing sirens fitted to site vehicles shall comply with BS ISO 9533:2010 – 'Earth-moving machinery. Machine-mounted audible travel alarms and forward horns. Test methods and performance criteria'.
27. During the working hours permitted by Conditions 17 and 18 (above), the A weighted equivalent continuous free field noise level (Leq dB(A), (1 hr.) attributable to the operations shall not exceed the calculations set out in Table 9 of the Environmental Statement dated November 2016.
28. At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures shall include water bowsers, sprayers (whether mobile or fixed or similar equipment), upward pointing exhausts, wind fences and control of vehicle speeds within the site and on haul roads. At such times when, due to site conditions, the prevention of dust nuisance by these means is impracticable, then movements of soils, stone, overburden and inert waste material shall be temporarily curtailed until such time as the site/weather conditions improve so as to permit a resumption of these operations.
29. Blasting operations shall be carried out only between the hours of 11.00 and 12.00 and 14:00 and 16:00 on Mondays and Fridays and not at all on weekends or public holidays, and shall be limited to no more than three times per week.
30. Blasting charges shall be so regulated to ensure that during any period of thirteen consecutive weeks as operations progress, ground vibrations produced shall not exceed a peak particle velocity in any plane of 6 mm/second at the 95% confidence limit, with no blast producing a peak particle velocity in any plane greater than 12 mm/s-1 measured at the ground surface adjacent to the nearest property to the blast. If monitoring results from any blast exceed a peak particle velocity in any plane of 6mms-1 all further blasting shall be suspended pending an investigation into the blast design and monitoring data. In devising and implementing the blasting programme for the site, the operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting.
31. A blast database shall be established and kept up to date to include all information from blast monitoring data so that site specific factors can be calculated to aid accurate prediction and blast design. During each blasting campaign, monitoring at multiple locations shall be carried out in order to plot a regression curve. The database shall be used to review the impact of blasting and associated processes on the nearest noise/vibration-sensitive property and to advise the future blasting programme prior to the commencement of each new phase of blasting. An annual independent review of the data shall be carried out and submitted in writing to the Mineral Planning Authority.

32. If the results of monitoring of any blasting operation on the site exceed 3mms- 1ppv the operator shall review the blasting specification and assess the reasons for the exceedance. The operator shall also consider whether the specification of the blast could have been reduced, having regard to the need to minimise disturbance off site. Where the operator considers that the blast could have been reduced, this shall be taken into account when determining the next blast specification. The reasons for the exceedance and the result of the operator's consideration on the reduction of the specification shall be kept in a written log and made available to the Mineral Planning Authority at all reasonable times.
33. In devising and implementing a blasting programme for the site, the operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting. The operator shall provide and install all necessary monitoring equipment to carry out vibration and air pressure measurement in accordance with arrangements and at a location/locations to be submitted to and approved in writing by the Mineral Planning Authority. In addition to the collation of blasting records into a monitoring database to enable consideration of blast monitoring data and other site specific factors to be submitted quarterly through the site liaison meeting, the blasting results shall be submitted in writing to the Mineral Planning Authority at the end of each week during blasting operations.
34. All topsoil and subsoil shall be stripped in advance of working and, where not immediately employed, shall be separately stacked along the northern boundary of the quarry or the soil storage area in the south of the quarry in a precise location to be agreed in writing with the Mineral Planning Authority and in accordance with details contained in the Environmental Statement dated November 2016. All such materials shall be retained on site and prevented from mixing and contamination. Such stacks shall not be traversed by heavy vehicles or machinery except during stacking or re-spreading. The stacks shall be regularly formed and maintained in a tidy and weed-free condition for the duration of their presence on the site so as to be available for subsequent agricultural reinstatement of the land.
35. The material to be tipped shall be deposited progressively by methods of controlled tipping which accord with the terms of the improvement conditions contained in the PPC permit issued by the Environment Agency. All waste material shall be deposited within the excavations and re-spread evenly to conform to the approved finished contours as shown on Plan No H321/00007. No waste material either derived from the quarry or brought into the site shall be deposited above the general level of the surrounding original land.
36. For the duration of the development hereby permitted measures shall be taken to protect all existing trees and hedgerows on the site which are outside the approved operational areas from wilful damage or destruction, and no trees and hedgerows shall be lopped, topped or felled without the prior written approval of the Mineral Planning Authority. Any trees and hedgerows removed without such approval or dying or being severely damaged or becoming seriously diseased before the end of that period

shall be replaced with trees/plants of such size and species as may be approved in writing by the Mineral Planning Authority.

37. Restoration shall be carried out progressively across the site in accordance with the approved scheme indicated on Plan Nos H321/00006 and H321/00007 and in accordance with the details contained in the Environmental Statement dated November 2016 and the good practice notes drawn up by Natural England.
38. The graded tipped surfaces shall be progressively achieved as shown on Plan Nos H321/00006 and H321/00007 and in accordance with the Environmental Statement dated November 2016. Following tipping operations and the placement of the soil, the soil shall be cultivated to bring the topsoil to a suitable agricultural tilth.
39. Within three years of the date of this permission, a scheme shall be submitted for the written approval of the Mineral Planning Authority detailing how a minimum of 3ha of calcareous grassland shall be created on that part of the site within the ownership of Tarmac Aggregates. The submitted scheme shall include the timescale for the establishment of the grassland. Thereafter, the grassland shall be maintained as part of the aftercare scheme for the site.
40. Restored surfaces shall be free from ponds and standing water and such land drainage works as may be necessary (both as tipping operations proceed and in relation to finally restored surfaces following settlement) shall be effected by the operator in accordance with details which have been submitted to and approved in writing by the Mineral Planning Authority. Any restored area which is affected by surface ponding or by local settlement shall be infilled with topsoil and re-graded to the approved contours or, with the prior written approval of the Mineral Planning Authority, rectified by additional works such as to render effective the overall drainage provisions relevant to the approved scheme.
41. Trees, shrubs and hedgerows shall be planted on the site in the areas shown on Plan No H321/00007 within the first available planting season after infilling of the areas shown on Plan No H321/00007. Trees and shrubs shall be planted on the site in accordance with a scheme to be submitted to and approved in writing by the Mineral Planning Authority. Such scheme shall provide for species, siting, planting distances, programme of planting and maintenance to establishment, and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner subject to the prior written approval of the Mineral Planning Authority.
42. Upon completion of restoration works in each phase shown on Plan No H321/00006, the land shall be managed for a period of five full growing seasons in accordance with an aftercare scheme(s) which shall have received the prior written approval of the Mineral Planning Authority and which shall specify the steps to be taken to bring the land to the required standard for use for agriculture. The scheme(s) shall include:

- (a) annual meetings attended by the Mineral Planning Authority to appraise the effectiveness of aftercare and to assess any further measures which may be required in the following year; and
- (b) sub-soiling, cultivation, fertilising, liming, seeding to grass and management of the grass sward by grazing or mowing, together with such drainage/under drainage works as may be necessary as restored areas become established throughout the duration of the aftercare period.

Prior to the annual meeting, all restored soils shall be sampled at six samples per hectare and at a depth of 15cm in accordance with Natural England advice to assess fertiliser and lime requirements. The results of such analysis shall be supplied in writing to the Mineral Planning Authority and made available to the annual meeting.

- 43. In the event that site activities cease for a period in excess of three months, operations shall not recommence until all potential habitats for protected species within the operational area have been investigated by a qualified ecologist and a report of the investigation has been submitted to and approved in writing by the Mineral Planning Authority. In the event that protected species are present the report shall provide a working design, methodology and timetable to investigate any undue adverse effects on the species involved. The mitigation measures shall be implemented as approved.
- 44. The Phase 2 vegetation survey, invertebrates and assessment of cliffs for birds, bats and plants set out in the scoping report shall be undertaken prior to the quarry being brought back into use. The survey shall be submitted to and approved in writing by the Mineral Planning Authority.
- 45. Prior to the recommencement of quarrying on the site, details of methods to minimise air pressure during blasting shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, all blasting shall be undertaken in accordance with the approved methods.



Costs Decision

Site visit made on 14 August 2018

by **Michael Moffoot DipTP MRTPI DipMgt**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2018

Costs application in relation to Appeal Ref: APP/P4415/W/17/3190757 Harrycroft Quarry, Worksop Road, South Anston S81 8BD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Tarmac for a full award of costs against Rotherham Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for variation to condition 6 imposed by RB/2006/2094 to amend the required period for the submission of a revised scheme for the restoration of the site should mineral extraction/waste infill cease for a period in excess of twelve months at Harrycroft Quarry, Lindrick Dale, Lindrick, Rotherham for Lafarge Aggregates Ltd without complying with conditions attached to planning permission Ref: RB2010/1308/VC dated 20 December 2010.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The *Planning Practice Guidance* ('the PPG') advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations, and failure to produce evidence to substantiate each reason for refusal on appeal¹.
4. Having regard to the consultation response from the Council's Transport and Highways Design section, the Case Officer recommended that the Planning Board should grant permission for the proposed development. The Board members took a contrary view and the application was refused on highway safety grounds: specifically that, in terms of the speed and volume of traffic and restricted width and visibility, the A57 in the vicinity of the access is unsuitable to accommodate the additional HGV traffic entering and leaving the site.

¹ PPG Ref ID: 16-049-20140306

5. Planning authorities are not bound to accept the professional advice of their officers, but if the advice is not followed authorities will need to show reasonable grounds for taking a contrary decision and produce evidence to justify the refusal.
6. I have reached a contrary view to the Council on the merits of the proposal. However, the Authority has provided sufficient evidence to support its case; one which is based on reasonable planning grounds. Specifically, by reference to the *Design Manual for Roads and Bridges*², accident data and other material considerations, the Council has explained how the proposal would lead to HGVs entering and leaving the busy A57 at a point where the carriageway width is restricted and overhanging vegetation impedes visibility, leading to conflict with other traffic to the detriment of highway safety. In these circumstances, it is not unreasonable for the Council to have concluded that the imposition of planning conditions would not adequately address its concerns, and particularly those regarding the restricted width of the A57 near the access to the appeal site.
7. Despite my findings on the highway merits of the proposal, I consider that the Council has satisfactorily demonstrated how it considered the proposal would compromise highway safety on the A57 in the vicinity of the site access.
8. Whilst it is unfortunate that the Council's appeal questionnaire and the appendices to its appeal statement were submitted late, the documents were forwarded to the applicant for comment and there is no evidence to show that the delays incurred unnecessary expense for the company.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs fails.

Michael Moffoot

Inspector

² Published by Highways England