

Rotherham Metropolitan Borough Council

Town and Country Planning Act 1990	Reference RB2023/1324
	Decision Date 22 February 2024
Roger Lee Planning Ltd Mr Lee 18 Leeds Road Methley Leeds LS26 9EQ	
Description and Location Outline application for residential development comprising up to 120 units including details of means of access at Former Bus Depot Midland Road Masbrough Rotherham.	

You are hereby notified that your application for **Outline Planning Permission** for the above development was **GRANTED CONDITIONALLY** on 22 February 2024

Condition(s) imposed:

01

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

Reason

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

02

The detailed elevational drawings and internal layout plans to be submitted in accordance with the requirements of this permission shall include the layout, scale, appearance and landscaping of the site and shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

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

03

The detailed design and layout drawings to be submitted in accordance with the requirements of this permission shall incorporate an onsite area of Public Open Space which shall be calculated at 55 square metres of new green space per dwelling.

Reason

In order to conform to policy SP37 'New and Improvements to Existing Green Space.'

Highways

04

Prior to the commencement of works, details of the proposed highway improvement works on Midland Road and Union Street, as indicated in draft form on Drg No 2247 0002C, and include

- a) Formation of 3no vehicle access points into the site from Midland Road and Union Street
- b) Improvements to the existing pedestrian dropped kerbing facilities around the Midland Road roundabout.
- c) Improvements to the existing uncontrolled pedestrian crossing point at the junction of Union Street and Midland Road.
- d) Improvements in the form of raised kerbing to the Rotherham bound bus stop on Midland Road.
- e) Footway widening to 2m (where applicable) along the site frontage on Union Street.

shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the first dwelling. (This will require the developer to enter into a S278 agreement with the Council, the applicant should contact david.phillips@rotherham.gov.uk in this regard.

Reason

In the interests of road and pedestrian safety.

05

When the proposed access has been brought into use, the existing accesses marked on the submitted plan on Union Street shall be permanently closed and the footway reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety and residential amenity.

06

Car parking facilities shall be provided in accordance with the Council's Car Parking Standards (SPD12).

Reason

In the interests of highway safety.

07

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.

Reason

In order to promote sustainable modes of travel.

EV Charging Points

08

All subsequent applications for the approval of reserved matters shall include a scheme to provide a minimum of 1 charging point per dwelling and 1 charging point per parking space for flats in accordance with Supplementary Planning Document 2 'Air Quality and Emissions' and the approved scheme shall be implemented before the development is occupied.

Reason

In order to promote sustainable transport choices in accordance with Supplementary Planning Document 2 'Air Quality and Emissions'

09

No dwelling shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment around each plot shall be completed before the occupation of the dwelling to which it relates.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28 Sustainable Design.

Drainage

10

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

SuDS:

The Developer should be aware that a Sustainable Drainage System (SuDS) is the LPA's preferred option. A detailed explanation of any alternative option and reasons for rejecting a SuDS solution will be required. No building hereby permitted shall be

occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be designed, managed and maintained in accordance with the Non-statutory technical standards and local standards.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Yorkshire Water

11

In the instance of the 650 mm diameter public surface water sewer, no building or other obstruction including landscape features shall be located over or within 3.5 metres either side of the centre line of the public sewer i.e. a protected strip width of 7 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

In the interest of public health and maintaining the public sewer network.

12

In the instance of the 900 mm diameter public surface water sewer, no building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre line of the public sewer i.e. a protected strip width of 10 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

In the interest of public health and maintaining the public sewer network.

13

In the instance of the 750 mm diameter public combined sewer, no building or other obstruction including landscape features shall be located over or within 4 metres either side of the centre line of the public sewer i.e. a protected strip width of 8 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

In the interest of public health and maintaining the public sewer network.

14

In the instance of the 1120 x 720 mm diameter brick egg public surface water sewer, no building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre line of the public sewer i.e. a protected strip width of 10 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

In the interest of public health and maintaining the public sewer network.

Trees and landscaping

Arboricultural Impact Assessment (AIA)

15

An AIA and TIP will need to be submitted alongside the reserved matters planning application. An AIA will demonstrate that all tree related impacts of the proposed development have been fully considered.

Any AIA submitted to the Council must conform to the standards set out in BS5837, section 5.4, which requires an AIA to include a scaled site plan that details to the Council:

- The accurate position of all trees on and adjacent the site. (Provided)
- The root protection areas (RPA) of the trees.
- The proposed design layout.
- Trees to be removed to facilitate the development and trees to be retained.

- Other activities potentially damaging to trees (i.e. level changes, removal/creation of hard surfacing, service runs, etc.).
- Areas that can be used for site accommodation, vehicle parking, material storage etc.
- Pruning to retained tree(s)
- Issues to be addressed by an arboricultural method statement, where necessary in conjunction with input from other specialists.
- Assessment of lost tree value because of the proposal and the proposed mitigation

Reason

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

16

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. 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 and in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

Archaeology

17

Prior to the submission of any reserved matters application, a written Phase II ground investigation report shall be submitted to and approved by the Local Planning Authority. Should this report identify potential for heritage assets of archaeological interest to survive within the application area, an archaeological evaluation of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The development will then be implemented in accordance with the agreed details.

Reason

To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters details.

Land contamination

18

Following removal of all below ground structures and demolition of existing above ground structures and prior to above ground works commencing, detailed intrusive site investigations shall be undertaken to fully determine the geotechnical and geo-environmental constraints at the site complete with ground gas monitoring. The investigation and subsequent risk assessment must be undertaken in accordance with section 8.0 of the report entitled 'Phase I Geotechnical and Geo-Environmental Site Investigation – Midland Road, Rotherham' prepared by Eastwood Consulting Engineers, dated 31 January 2023, Reference 47870-ECE-XX-XX-RP-C-001, by competent persons and a written report of the findings must be produced and will be subject to approval in writing by this Local Planning Authority.

The above shall be conducted in accordance with the new guidance document 'Land Contamination Risk Management' (October 2020) and predecessor guidance 'Model Procedures for the Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017).

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

19

Subject to the findings of condition 18 above and prior to above ground works commencing, a Remediation Method Statement shall be provided for the approval of this Local Authority prior to any remediation/ground improvement works commencing on site. The works shall be of such a nature as to render harmless any possible 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 the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

20

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

21

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

22

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

23

If virgin material, subsoil/topsoil materials are required to be imported to site for remedial works, then these materials will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination and will not present a risk to future users of the site and the environment. Subject to the findings of condition 19 above, and due to likely elevated sulphate concentrations being detected, all buried concrete to be used on site shall be designed to a design sulphate classification of DS-3 for made ground, with a corresponding ACEC class of AC-3. The design sulphate classification used will need to be evidenced.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

24

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 the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

Ecology

25

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981 and to mitigate the loss of a small number of sub-optimal roosting features.

26

The detailed plans to be submitted in accordance with this outline permission shall submit a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

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

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

Note: this can be amended to require specific enhancement features such as bird and bat boxes only, e.g. for householder or small-scale developments.

Reason

In order to improve biodiversity on site in line with in line with Local Plan Policy SP33 and to meet the criteria of the Environment Act 2021.

Local Labour Agreement (Construction Phase)

27

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

Reason

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

Construction Environmental Management Plan (CEMP)

28

Prior to the development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties and shall provide information in respect of the following matters:

- Program and Phasing Details
 - Site layout
 - Expected duration of demolition and construction work phases

- Site Management
 - Contact details of site manager
 - Complaints procedure
 - Roles and responsibilities
 - Details of public liaison meetings (including details of the frequency of meetings and of those to be invited to the meetings).

- Routes for Construction Traffic
 - Routes to be used to and from the site along the road network within the Rotherham Borough.
 - Proposed access/egress points onto the site.
 - One way systems
 - Haul routes (on-site and delivery)

NOTE: Where temporary access is required during the construction phase, these should benefit from separate planning permission if not approved under the host permission. Appropriate S278/S184 Agreements (as appropriate) must be gained from the Highways Authority before any works commence on site.

- Site Access, Storage and Movement of Materials
 - Delivery access point details
 - Location details of storage areas
 - Delivery times of materials and plant
 - Location of on site parking and turning provision

- Dust, Debris and Mud
 - Screening and hoarding
 - Preventative measures
 - Details of soil and its movement and temporary storage during construction
 - Dust suppression measures - General and machinery
 - Wheel wash facilities (including details of source of water)
 - Road sweeping facilities
 - Covering of dusty stockpiles
 - Vehicles carrying dusty loads
 - Dust monitoring
 - Boundary checks
 - Monitoring of weather including wind speed and direction, dry conditions etc

NOTE: Regards shall be had to the guidance detailed in Institute of Air Quality Management- Guidance of the assessment of dust from demolition and construction 2014. In addition, measures shall be taken to minimise mud on nearby public roads, such that road sweepers are only required on these roads in exceptional/emergency circumstances.

- Noise and Vibration Control
 - Silencing of vehicles, plant and machinery.
 - Mitigation measures for noisy operations
 - Operational hours (to include site opening hours, operational hours of workers, and delivery of goods hours).
 - One way systems
 - Vehicle reverse alarms (white noise reversing alarms should be used as opposed to bleeper alarms, particularly where close to residential properties)
 - Leaflet drops to noise sensitive premises

NOTE: Regards shall be had to the guidance detailed in BS5228 2009: 'Noise and Vibration Control on Construction Sites'.

- Artificial Lighting
 - Hours of operation of the lighting
 - Location and specification of all of the luminaires
 - Level of maintained average horizontal illuminance for the areas that needs to be illuminated
 - Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
 - Measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site.

NOTE: Regards shall be had to the guidance detailed in the Institute of Lighting Professionals - Guidance Note 01/21 – Reduction of Obtrusive Light.

- Waste Management

- Waste storage
- Waste collection
- Recycling
- Waste removal

Constructional techniques in respect of the Overhead Power Lines of the adjacent electricity cable.

The agreed CEMP shall be adhered to throughout the construction of the development.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and Supplementary Planning Document No.2 Air Quality & Emissions.

Communication

29

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

Reason

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

Hours of construction

30

Except in case of emergency, operations should not take place on site other than between the hours of 07:30 - 18:00 Monday to Friday and between 08:00 - 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.

Reason

In the interests of residential amenity of nearby properties.

Waste Management Plan

31

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

- information on the amount and type of waste that will be generated from the site;

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

The agreed details shall be implemented and thereafter maintained.

Reason

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

Glazing and Ventilation

32

Any future detailed application shall demonstrate that all installed glazing and ventilation shall meet the minimum noise reduction criteria for each plot as specified in Section 5 and Appendix 3, Appendix 7, Appendix 8 and Appendix 11 of the Noise Impact Assessment undertaken by Professional Consult Limited, dated 15th September 2023 (Ref: 23.088.1.R1).

Reason

To safeguard the amenities of the occupiers of the proposed development in accordance with RMBC Policy SP52 and parts 12 and 15 of the NPPF.

Noise Barriers

33

Any future detailed application shall demonstrate that Acoustic barriers shall be installed to the boundaries of properties, at the height and locations specified in Section 5 and Appendix 6 and Appendix 10 of the Noise Impact Assessment undertaken by Professional Consult Limited, dated 15th September 2023 (Ref: 23.088.1.R1). The acoustic barriers shall be imperforate and have a minimum mass of 15kg/m². The acoustic barrier shall be fully sealed to the ground at the base and shall be designed so that gaps do not open between panels or at the base due to weathering over the lifespan of the barrier. The acoustic barrier shall be maintained in good order throughout the duration of the consent so as to ensure its continued effectiveness.

Reason

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

accordance with RMBC Policy SP52 and parts 12 and 15 of the NPPF.

Informatives

Yorkshire Water

1.) There are two private water supplies entering the site that will need capping off at the developer's expense.

RMBC Drainage

Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

Developments should have floor levels set higher than the recorded flood level or a minimum of 300mm above proposed ground level.

2. Surface water drainage plans should include the following:

- ? Rainwater pipes, gullies and drainage channels including cover levels.
- ? Inspection chambers, manholes and silt traps including cover and invert levels.
- ? Pipe sizes, pipe materials, gradients and flow directions.
- ? Soakaways, including size and material.
- ? Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- ? Site ground levels and finished floor levels.

3. Surface Water Discharge From Brownfield Site:

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

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

4. On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land. The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated. Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway. Guidance on flood pathways can be found in BS EN 752.

5. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include

assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.

- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
- Volume design calculations to 1-in 100-year rainfall + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (Soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

6. A Flood Risk Assessment (FRA) should be provided for the proposed development site, in accordance with the NPPF. Where the site is at risk of flooding (Fluvial and Pluvial), details of place of refuge/evacuation should be considered and sign up to the Environment Agency Flood Warning Service.

7. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

8. If the development is proposing to make a new highway drainage connection to an existing highway drainage system, detailed CCTV surveys and modelling of the existing highway drainage system will be required to determine the capability to accept additional flow. Discharge will be limited to greenfield run-off rates.

9. Any SuDS/Drainage system installed must not be at the detriment to the receiving watercourse or ground (infiltration), so managing the quality of the run-off to must be incorporated into any design in accordance with CIRIA 753 The SuDS Manual The design of flow control devices should, wherever practicable, include the following features:

- a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves);
- b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;
- c) A bypass should be included with a surface operated penstock or valve; and
- d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.

10. For major developments, the LPA is required to ensure there are suitable ongoing maintenance arrangements over the lifetime of the development (see NPPF paragraph 169, page 48).

Options for SuDS adoption and maintenance include:

- a) Adoption by Water and Sewerage Company (WSC) - The developer may enter into a section 104 agreement (Water Industry Act 1991) with the local WSC.
- b) Private Maintenance Arrangement.

Provide all drainage management and maintenance plans for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime (e.g. signed Section 104 agreement).

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

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

Legal Agreement

12

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.

Land Contamination

13

The applicant should be aware that the detailed specifications of the land contamination work for the discharge of the contamination condition is listed below:

1. Prior to development commencing a Phase II Intrusive Site Investigation shall be undertaken to assess the 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.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4).

14. Subject to the findings 1 above and prior to development commencing, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works 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.

15. 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.

16. 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 Authority to ensure they are free from contamination.

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

Ecology

18

No vegetation clearance shall take place outside of the bird breeding season (February until August) and it is recommended that vegetation works (tree or hedge cutting) or site clearance should be done outside of the nesting season.

Highways

19

The application should note that whilst the submitted internal layout is for illustrative purposes only, the Transportation Unit would advise that future details should be designed and constructed in accordance with the South Yorkshire Residential Design Guide / Manual for Streets. An Agreement under S38 Highways Act 1980 would be required.

Draft Site Layout

1. Opposite plot 6, a pedestrian link should be provided in the grass verge to assist pedestrians across the road.
2. Adjacent to plot 25, is this is a footpath link into the site.
3. Plots 82 – 84. This length of road appears in excess of 20m and therefore requires a turning head facility to accommodate a refuse vehicle.
4. Plots 79-83 requires a turning facility to accommodate a fire appliance size vehicle within the parking area.

5. Footpath links into the site from Midland Road should be provided for pedestrian / cycle access which would provide a more direct link to the existing bus stop facilities on Midland Road.
6. The access to the Mews Court dwellings from Union Street should be via a dropped kerb access, i.e. the footway should be continuous.
7. The footway across the entrance to the development taken from Union Street (near plot 78) requires a macadam footway. The plan shows a grass verge on the north side.
8. Plot 72 requires a continuous footway (may be a drawing error).
9. Apartment block B access road requires a turning facility to accommodate a fire appliance size vehicle.

Car parking

1. Parking to plot 6 appears to be deficient.

Any future applicant is recommended to enter into pre-application discussions with the Council prior to submitting a detailed application.

Traffic Regulation Order

It is noted that the applicants agent has highlighted the requirement for a no waiting at any time restriction on Union Street. This TRO is to be funded by the applicant and should be included within any s278 agreement. In addition, the internal development layout which is to be designed to a 20mph limit, will also require a TRO to implement a 20mph speed limit. Both these TRO's should be include within the s278 agreement or alternatively an agreement from the developer to fund each TRO separately (£4,500 each), should be provided.

POSITIVE AND PROACTIVE STATEMENT

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

Please read the attached NOTES carefully.



N Hancock
Head of Planning and Building Control

NOTES

1. THIS FORM RELATES TO PLANNING CONTROL ONLY.
Where planning permission is granted and an application has also been made under the Building Regulations a separate communication will be sent to you giving notice of the Council's decision and **WORK MUST NOT BE COMMENCED BEFORE SUCH DECISION HAS BEEN RECEIVED**. Any other statutory consent necessary must be obtained from the Council or other appropriate authority.

Party Wall Act 1996

2. You are advised to take account of the Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to the boundary with adjoining property is concerned.
3. **Appeals to the Secretary of State**
 - If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
 - If you want to appeal against this decision then you must do so within 6 months of the date of this notice. Where an enforcement notice has been served in relation to the same, or substantially the same, development, within 2 years of the date the application was made, the period for receiving a planning appeal is within **28 days** of the date of this decision notice or of the date by which the LPA should have decided the application (unless this would extend the period beyond the normal deadline).
 - Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: **0303 444 5000**.
 - The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
 - The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
 - In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
 - If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
 - If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate

(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

4. Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

6. In certain circumstances a claim for compensation may be made against the Council where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

Discharge/compliance of condition

Please note that under regulation 11(D) of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £116 per request (or £34 where the related planning permission was for extending or altering a dwelling house) for the discharge and/or compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

Rotherham Metropolitan Borough Council
Development Management
Planning Regeneration & Transport Services
Riverside House
Main Street
Rotherham S60 1AE

Telephone: (01709) 382121

Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022



**The Coal
Authority**

