

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

Thursday, 17 July 2014

Start Time 9.00 a.m.

At Town Hall, Moorgate Street, Rotherham. S60 2TH

AGENDA

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
4. Minutes of the meeting of the Planning Regulatory Board held on 26th June, 2014 (herewith) (Pages 2 - 7)
5. Deferments/Site Visits (information attached) (Pages 8 - 9)
6. Visit of Inspection - Demolition of existing buildings and erection of 49 No. dwellings at former Council depot Wadsworth Road Bramley for Strata Homes Ltd (RB2014/0372) (Pages 10 - 47)
7. Development Proposals (report herewith) (Pages 48 - 62)
8. Updates

ROTHERHAM METROPOLITAN BOROUGH COUNCIL
PLANNING REGULATORY 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
26th June, 2014

Present:- Councillor Atkin (in the Chair); The Mayor (Councillor Dodson); Councillors, Astbury, Beaumont (as substitute for Councillor Godfrey), Kaye, Middleton, Pitchley, Roddison, G. A. Russell, Smith, Turner, Tweed, M. Vines and Whysall..

Apologies for absence were received from Councillor Godfrey.

T1. CHAIR OF THE PLANNING BOARD

Members placed on record their appreciation of the services to the Planning Regulatory Board of the former Chair, former Councillor Dave Pickering.

T2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

T3. MINUTES OF THE MEETING OF THE PLANNING REGULATORY BOARD HELD ON 5TH JUNE, 2014

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 5th June, 2014, be approved as a correct record for signature by the Chairman.

T4. DEFERMENTS/SITE VISITS

There were no site visits nor deferrals recommended.

T5. VISIT OF INSPECTION - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 49 NO. DWELLINGS AT FORMER COUNCIL DEPOT WADSWORTH ROAD BRAMLEY FOR STRATA HOMES LTD (RB2014/0372)

Members were notified that the Council had received a late representation about the above application and that the applicant had subsequently indicated the intention to make a material change to this application for planning permission. Consideration of the issues raised in this application was therefore deferred until a future meeting of the Planning Board and would still include a site visit, as was proposed at this meeting.

T6. 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 persons

attended the meeting and spoke about the applications below:-

Demolition of existing warehouse and erection of A1 retail units with mezzanine floors (13,548 square metres gross external floor area) with associated car parking and landscaping (amendment to RB2012/1615) at Alba/UPS Warehouse, Cortonwood Drive, Brampton Bierlow for Helical Retail Ltd. (RB2014/0612)

Mrs. K. Samokhvalova (representative of the applicant)

(2) That applications RB2014/0456, RB2014/0469, RB2014/0495 and RB2014/0610 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2014/0150 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and to amendments to the following conditions, as now reported to the Board, in order to exclude the element of demolition from this application and to update the submitted plan numbers:-

Conditions numbered:-

04

Prior to the commencement of construction works of the building hereby approved samples or details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

05

Prior to the commencement of construction works of the building hereby approved details shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is brought into use.

13

Prior to the commencement of construction works of the building hereby approved details of the proposed access works in A633 Rotherham Road, indicated in draft form on plan reference 11/311/TR/002/RevA have been submitted to and approved by the LPA and the development shall not be brought into use until the approved details have been implemented.

14

Prior to the commencement of construction works of the building hereby approved, details of a bus shelter in Rotherham Road fronting the application site and associated works to QBC standards shall be submitted to and approved by the Council and the approved details shall be implemented prior to the development being brought into use.

15

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) March 2014/2031/FR/RevC/BJB Consulting and surface water drainage assessment by Eastwood & Partners dated March 14 and the following mitigation measures detailed within these documents:

1. Limiting the surface water run-off generated by the development so that it will reduce the run-off from the undeveloped site and decreases the risk of flooding off-site. A minimum of a 30% reduction in peak discharge must be achieved.
2. Finished floor levels are set no lower than 25.00m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

23

Prior to the commencement of construction works of the building hereby approved details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, shall have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details.

25

Landscaping of the site as shown on the approved plan (Landscape General Arrangement drawing no. 459-0011 or latest revision) shall be carried out during the first available planting season after commencement of the development. 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.

33

Subject to the findings of the report in condition 29, gas protection measures may need to be provided in the new building. If necessary details of the gas protection membranes to be used shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of construction works of the building hereby approved. The approved gas protection measures shall be incorporated into the development.

35

Subject to the findings of the report in condition 29, prior to the

commencement of construction works of the building hereby approved details of the design sulphate classification and the corresponding aggressive chemical environment to be used in all made ground areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site.

(4) That application RB2014/0489 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and, exceptionally in this case, the Applicant be informed that the Planning Board is unlikely to consider favourably any future applications for extension to the terms of a temporary planning permission.

(5) That, further to Minute No. T58 of the meeting of the Planning Board held on 21st November, 2013, with regard to application RB2014/0612:-

(a) the Council shall enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following the provision of a contribution of £154,845 towards highway improvements within the Barnsley Local Authority area specifically for improvements to the Cortonwood, Wath Road and Broomhill roundabouts;

(b) consequent upon the satisfactory signing of such an agreement, referred to at (a) above, the Council resolves to grant permission for the proposed development subject to the conditions set out in the submitted report and subject to:-

(i) amendments to the conditions listed below:-

03

Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) none of the retail premises (Use Class A1) hereby permitted shall be used primarily for the sale of food.

05

Development shall not begin until details of a Zebra crossing in the approximate position shown on Plan 6 'Location of Proposed Zebra Crossing' in the Transport Statement have been submitted and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought into use.

13

Other than demolition and site clearance works, no development shall take place until the condition of the shallow coal seams, running underneath the application site at depths which may influence the new construction works, is established. An investigation report, together with any necessary outline remediation/treatment options, shall be submitted to and approved by the Local Planning Authority prior to the new construction works commencing. Any necessary remediation/treatment

works, as approved by the Local Planning Authority, shall take place prior to commencement of the new construction works.

(ii) the following additional conditions:-

15

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason : To ensure that the development can be properly drained.

16

Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason : To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

(iii) the inclusion of the following informative:-

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

T7. COURTESY CONSULTATION - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT MANSFIELD ROAD, KILLAMARSH FOR S AND A PARSONS LTD. (RB2014/0598)

Consideration was given to a report of the Director of Planning and Regeneration Service concerning a courtesy consultation from North East Derbyshire District Council in respect of the outline application (means of access not reserved) for residential development (Major Development/Departure from Development Plan) at land owned by S. and A. Parsons Building Contractors Ltd., Mansfield Road, Killamarsh (Derbyshire) for S. and A. Parsons Ltd.

The report stated that the application site is approximately 0.89 hectares of land located adjacent to the junction between Woodall Road and Mansfield Road, Killamarsh. The site is currently occupied by a manufacturing factory and administration offices and a disused former pig farm. The indicative details submitted with the application stated that the proposal is for the erection of up to 34 new dwellings to be created on the site, 23 new dwellings to be constructed and the conversion of the existing factory building to 11 further units. This development will form a mix of one, two, three and four bedroom properties with a combination of

privately rented, socially rented and open market properties. There will be eleven affordable units. The access to the site will be taken off Woodall Road.

The Planning Board concluded that:-

(i) there would be no material unacceptable adverse impacts on the openness of the Green Belt within Rotherham arising from this proposal or upon highway safety, or education, or that the proposal would result in any contaminated land issues; and

(ii) there would not be any notable impact on drainage within the Rotherham Borough area as a result of the proposed development, subject to the comments made by the Council's Drainage Engineer and Ecology Officer and detailed in the submitted report.

Resolved:- (1) That the North East Derbyshire District Council be thanked for giving this Council the opportunity to comment on this planning application.

(2) That the North East Derbyshire District Council be informed that this Council has no objections to the proposals, subject to the consideration of the comments from the Drainage Officer and the Ecology Officer.

T8. UPDATES

There were no items to report.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL
PLANNING REGULATORY 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 Director of 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 Director of Planning and Transportation Service 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 Director of Planning and Transportation Service.
- 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 two 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 Chairman and Vice-Chairman 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 Chairman 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, 17TH JULY, 2014

- 1. RB2014/0372 - Demolition of existing buildings & erection of 49 No. dwellings at former Council depot Wadsworth Road Bramley for Strata Homes Ltd.**

Requested By:- Councillor Andrews, Ward Member

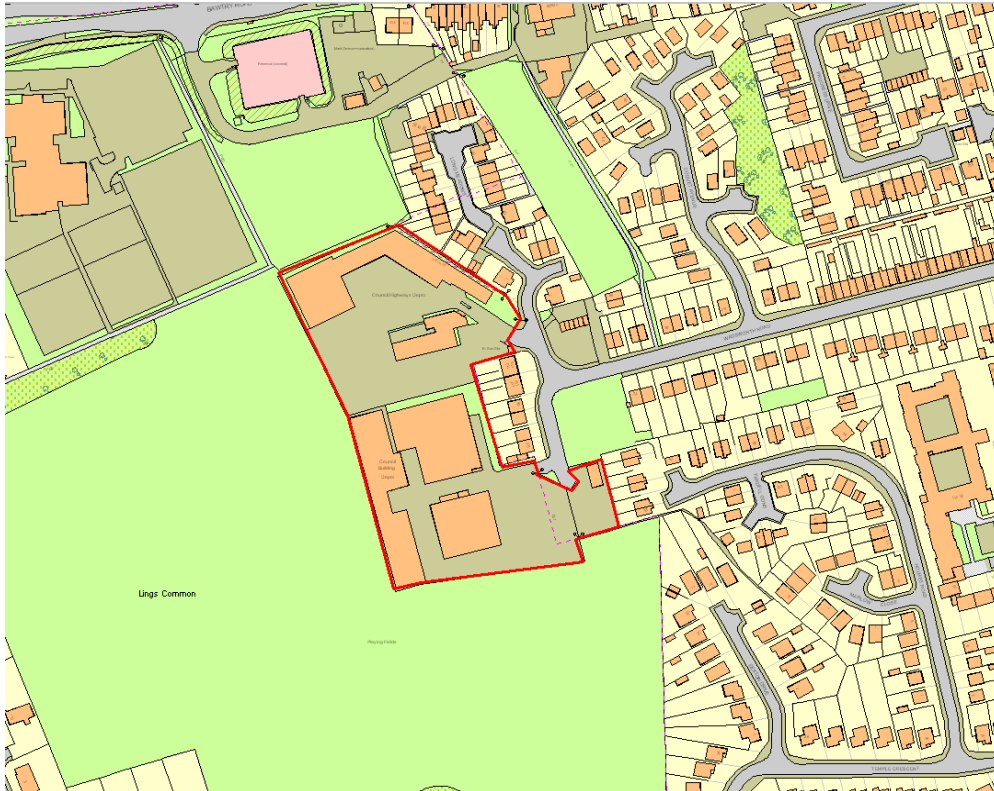
Reason:- To allow Members to consider the residents' concerns around Holmes Road and Wadsworth Road, due to the close proximity of the development affecting the residents and due to increase in traffic

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2014/0372	Bramley	9.15 a.m.	9.45 a.m.

Return to the Town Hall for approximately 10.00 a.m.

SITE VISIT NO. 1 (Approximate time on site - 9.15 a.m.)

Application Number	RB2014/0372
Proposal and Location	Demolition of existing buildings and erection of 48no. dwellings at Former Council Depot, Wadsworth Road, Bramley S66 1UD for Strata Ltd
Recommendation	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <p>Provision of 10 on-site (21%) affordable housing units consisting of 3 no 2 bedroomed dwellings; 6 number 3 bed dwellings and 1 number 2 bed bungalow, with tenure to be agreed.</p> <p>Contribute a commuted sum of £10,000.00 towards offsite provision of affordable housing.</p> <p>Secondary Education contribution of £2,521 per dwelling (total £121,008)</p> <p>Provision of annual (12 month) travel master passes for all dwellings commencing upon first occupation.</p> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>



Site Description & Location

The application site comprises of approximately 1.72 hectares of former Council buildings, hardstanding areas and temporary buildings on land located primarily around the head of Wadsworth Road in Bramley. The overall site was split into two separate depot sites, one relating to the Council's Highways Department (and included parking and maintenance to refuse collection vehicles and MOT for Council vehicles) and one to the Building Works Department. The site to its eastern boundary wraps around existing semi-detached residential properties (Nos 90 -96 inc) and the adjacent block of 2 storey flats at nos 113 – 115 and their associated gardens. To the west, north west and south of the application site are the open playing fields associated with Wickersley Sports College with land to the north comprising of a current covered reservoir. To the north east of the application site is the recently constructed Long Meadows residential development. Adjacent to the site's south east corner are three pairs of semi-detached dwellings located off Holmes Road along with an open area of currently undeveloped land.

Background

Members will recall that this application was due to be the subject of a site visit and considered at the Planning Board on 26 June 2014, however following receipt of a late representation, it was considered that the application be deferred to a future meeting of the Planning Board (including a site visit) in order for officers to assess the matters raised and to allow the applicant to make a material change to this application to overcome any issues arising.

The application site has been the subject of a number of applications relating to the former Council depot sites, dating back to the 1960s. More recently, temporary permission was granted on part of the site (to the rear of the properties on Holmes Road) as interim ground maintenance depot (RB2008/1216- Granted conditionally 22/09/08) though this use has now ceased and the site as a whole is vacant.

The proposals have previously been screened as part of the pre-application advice given by the Council to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

Proposal

The application as submitted seeks the wholesale demolition of all the former buildings upon the site and to utilise the existing development plateau that they are located upon to enable the construction of a residential development.

The application was originally submitted for a proposal to construct 49 dwelling houses (34 x 4 bed, 10 x 3 bed and 5 x 2 bed), comprising a mix of seven varieties of detached and semi-detached two and two and a half storey house types ranging in height between 7.8m - 8.3m (two storey units) and 9.6m - 11.2m (two storey with rooms in the roofspace) which overall equated to a density in the region of 28 units per hectare.

Following the deferral of the application form last Planning Board, the scheme has subsequently been revised to provide one less dwelling (48 total) which still equates to an overall density of approximately 28 units per hectare. It comprises of 4 x 5 bed, 32 x 4 bed, 8 x 3 bed, 3 x 2 bed units and 1 x 2 bed bungalow in a mix of eight varieties of detached and semi-detached two storey house types ranging in height between 7.8m - 8.3m (two storey units) and 9.6m - 11.2m (two storey with rooms in the roofspace), and a detached bungalow with a roof height of 5.3 metres.

Other alterations to the scheme since its original submission include the incorporation of additional Council land that currently forms part of open land to the north to enable the straightening up of the current boundary. Further amendments include the incorporation of two drainage / sewer easements which run in a 'Y-shaped' location to the east section of the site which has subsequently allowed the repositioning of the proposed new bungalow further away from surrounding properties on Holmes Road. In addition, the roofs of properties to the rear of houses on Holmes Road have been altered from gables to hips to reduce the impact on the existing residents.

In access terms, this remains unchanged from the original submission in that the development proposes to utilise the existing dual access points off Wadsworth Road which currently serve the existing depot areas linked with an adoptable highway 'spine' running centrally to the site. At the northern end of the site plots 5 to 15 are indicated as being clustered around a cul de sac. The northern access point onto Wadsworth Road has previously been upgraded as part of the adjacent scheme constructed as part of the Long Meadows residential development, and further alterations to the southern access point will be necessary to enable it to be brought up to adoptable standards.

During the course of the application, the applicant has indicated that the provision of an extended footway around the currently vacant area of land at the head of Wadsworth Road would be undertaken as part of the proposed development. Further amendments have been made to the scheme following responses from consultee received primarily in respect of internal highway visibility arrangements; ensuring that plots 34 – 40 are accessed via the continuation of Wadsworth Road and ensuring that the scheme accords with the Council's minimum parking standards.

In landscaping terms the site possesses little on site vegetation other than a line of existing conifers and some self-set trees located adjacent to the rear gardens on Holmes Road and there are no proposals as part of the scheme to retain these. The applicants have confirmed that the scheme is to be provided with a mix of natural landscaping and fencing to those boundary areas where it adjoins the open school playing fields with ornamental planting within plot gardens.

The remaining open area as indicated within the site immediately adjacent to the northern site access is indicated to be enclosed with low level railings (1.2 metres in height) with individual plots having side and rear boundaries being demarked with either 1.8m close boarded fencing or 1.5 metre close boarded fencing with 0.3 metre high trellis on top. Those gardens which abut the proposed internal highways are further indicated to be provided with 1.8 metre high screen walls.

With respect to the proposed palette of materials, this has been indicated to include grey and red roof tiles and the use of brick with soldier courses along with stone cills to compliment the cream UPVC windows to assist with street scene variety.

In support of the application, the following supplementary documents have been submitted with the application:

Design & Access Statement (DAS):

Concludes that the proposed scheme has been carefully considered in conjunction with the twelve questions outlined in the Building For Life 12 to respond to:

- The surrounding context.
- The constraints and opportunities as presented by the site.
- Enhanced landscape.

Planning Statement (PS):

Concludes that the site represents previously developed land in a sustainable location within an existing residential area and the continued use for business use would have adverse impacts upon the amenities of surrounding residential developments by way of noise, traffic and site activity.

A subsequent addendum to the planning statement concentrates upon the planning policy issues surrounding the loss of employment land and the marketing exercise behind the site and concludes that this site is most preferable to deliver additional housing in the Bramley / Wickersley locality.

Arboricultural Assessment:

Advises that of the surveyed vegetation, the central area of the site has no significant trees and so is free of any significant arboricultural implications. Seventeen trees/groups (Birch, Leyland Cypress, Maple, Apple, Willow, Alder, Poplar, Hawthorn, Cherry and Lime) are scheduled for removal owing to their low or average quality and value and replacement planting would largely mitigate their losses. Three trees (Maple, Poplar & Hawthorn) on the site's western boundary are scheduled for retention with recommendations to protect by fencing in accordance with BS 5837: 2012, during the development phase.

Ecological Appraisal and Bat Roost Potential Survey:

The report comments that the majority of the site is covered by hard standing and large industrial buildings and is almost entirely un-colonised by vegetation. Only small amounts of vegetation are seen growing through gaps in hard standing capitalising on lack of movement around the site and the very narrow bands of scrub found around the margins. As such the site is assessed as being of low ecological value and of low nature conservation value.

The report further notes that the site has been found to support very limited bat roost potential. Where any features which may be suitable for use by bats were found, it was possible to rule out the presence of roosting through close inspection. The report notes that it is highly unlikely that the site is currently used by roosting bats and that there is no need for further survey works in this respect.

With respect to breeding birds, a large number of pigeons were seen to be roosting within one of the open sided buildings, and similarly the small areas of scrub around the site and large Leylandii hedge have the potential to

support common nesting birds, and a general precaution to undertake works outside of the nesting / breeding season is acknowledged by the applicant.

The report concludes that the scheme should ensure opportunities are realised to create connectivity through the site in the form of hedgerows or linear planting. Planting should utilise native species relevant to the site such as holly, oak, hawthorn, blackthorn, crab apple and buckthorn. In addition the incorporation of artificial bird boxes within the hedgerow boundaries, and hedgehog boxes could be installed in discreet locations among the landscaping.

Phase 1 & phase 2 Geotechnical and geo-environmental site investigation:

Comments that although no ground gas precautions are required, significant contamination was encountered within the made ground found on site, and that localised zones of contaminated material may be found on the site in areas that were not covered by the investigation.

The report endorses that suitable Sulphate precautions are recommended within below ground concrete in contact with the made ground and that in areas of proposed gardens or soft landscaped areas such contaminated material would require removing where at shallow depth or would require capping where deeper made ground is present.

The report notes that if apparently contaminated material is found on site, this should be tested to check if it is contaminated. If it is found to be contaminated, after consultation with the regulatory authorities, it should be removed or other appropriate remediation measures taken in consultation with the Council.

Flood Risk Assessment (FRA):

The submitted FRA notes that the site is entirely within Flood Zone 1 'Low Probability,' as land being assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year, as identified on the Environment Agency's indicative flood map. The FRA recommends a number of precautionary measures which includes:

- The ground floor level to the properties shall be raised above external levels by a minimum of 150mm and preferably 300mm wherever possible;
- The proposed dwellings shall be designed without any basements and ground floors shall comprise solid concrete slabs or beam and block with screed construction;
- Incoming electricity supplies shall be raised above ground floor level and ground floor electric sockets shall be served by loops from upper level; and
- In the unlikely event of flooding from blocked sewers, it will be appropriate to design external levels with falls to non-critical

areas across the site where water cannot pond and cause flooding to buildings.

Transport Assessment (TA):

The submitted TA notes that access to the development will be directly from Wadsworth Road and that an assessment of the impact of the development trips on the wider highway network has been undertaken at the Bawtry Road/Flash Lane/Cross Street junction with only a negligible impact on queuing. The site is well served by public transport and other alternative means of transport than that of single occupancy vehicles and is accessible to a range of useful local destinations by walking, cycling and public transport (there are good bus services on Flash Lane / Bawtry Road).

A subsequent technical addendum to the TA concentrates on the operation of the Bawtry Road / Flash Lane signalised junction and concludes, it has been shown that the development can be accessed in a safe manner and that the impact of the scheme on the adjacent junction is considered to have a negligible residual cumulative impact and no mitigation works are required.

Statement of Community Involvement:

This report notes that pre-application discussions have been held with RMBC and that as part of the advice offered it was determined in line with the Council's 'Statement of Community Involvement,' (SCI) document that prior to submitting the formal planning application for the site, the applicant undertake a detailed programme of community consultation. This subsequently involved the delivery of a leaflet to 151 residential properties on Wadsworth Road, Coquet Avenue, Long Meadows and Holmes Road, with information further provided to Wickersley School.

The report notes that 12 responses have been received, highlighting two areas of concern namely privacy and traffic impact and concludes that the submitted scheme overcomes the concerns raised and that the applicant has engaged appropriately with the interests in the area and responded to the matters raised by those who have commented.

Affordable Housing viability appraisal:

The applicant has submitted a viability appraisal that indicates that it is not possible to provide the full 25% of on-site affordable housing provision with only 21% being available on site with a further commuted sum of £10,000 towards offsite provision of affordable housing being offered. The report indicates that following demolition of the remaining buildings on site, there is a likelihood given that the site is known to be historically contaminated that there will be abnormal costs associated with the site's remediation that cannot be assessed / costed out until further investigative work is undertaken.

Development Plan Allocation and Policy

The majority of the former depot site is allocated for Business purposes, with a small portion of the site to the east being allocated residential in the UDP, and the following 'saved' policies and guidance are considered to be of relevance to the determination of this application:

EC1.1 'Safeguarding existing industrial and Business Areas'
EC3.2 'Land identified for Business Use'
HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.1 'Development and the Environment'
ENV3.2 'Maintaining the Character and Quality of the Environment'
ENV3.7 'Control of Pollution'
ENV4.4 'Contaminated Land'
T6 'Location and Layout of Development'

Other Material Considerations

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots.'

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 4: 'Requirements for green space in new housing areas.'

The Council's minimum Parking Standards (adopted June 2011).

The Council's Interim Planning Statement on Affordable Housing (2008).

The South Yorkshire Residential Design Guide (SYRDG).

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 Unitary Development 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 notice as a departure to the Development plan, along with the posting of site notices in the locality of the site on Wadsworth Road, Holmes Road and Long Meadows. In addition individual notification letters have been sent to occupiers of adjacent properties on Wadsworth Road, Long Meadows and Holmes Road.

A total of 5 letters of representation have been received in respect of the original application submission from residents located on Wadsworth Road, Holmes Road and Coquet Avenue as well as an objection from Bramley Parish Council and Councillor Andrews. The local residents have raised the following matters:

Highway / Road safety:

- The scheme will be a danger to existing Wadsworth Road as most dwellings do not have driveways leading to cars being double parked on both sides of the road.
- Wadsworth Road is not wide enough to accommodate the new traffic from 49 new homes.
- It would seem stupid to increase the number of cars, bearing in mind how fast they currently travel down Wadsworth Road.
- This has caused significant congestion and danger to other road users.
- Wadsworth Road is already in a mess from a recent development site.
- Residents do not want any more cars racing up & down the street.
- The existing road structure will not support a massive increase in traffic.
- Increased traffic volumes will impact adversely on the character - safety and amenity of the local residential area.
- Can the scheme not be accessed from Bawtry Road through the water works?

Amenity issues:

- The new homes will simply be too close to existing properties.
- This development would massively reduce the sunlight entering houses and unacceptably overshadow garden areas.
- The new occupants will also have a clear view into existing rear facing rooms and gardens thus reducing privacy
- Residents would have to endure months of noise pollution and then be subject to the noise from new homes within a few metres from existing rear boundaries.

Other matters:

- RMBC have trimmed the existing conifer screen at the request of residents to allow sunlight to reach rear gardens, other trees on the boundary have also been pruned (with consent of RMBC) to prevent gardens being plunged into darkness.

- The thought of having a dwelling at some 8.2 metres in height at the end of existing gardens will not be tolerated by residents.

Councillor Andrews has made representation to the scheme noting the objection is firstly the layout of the properties. She states “The close proximity of two of the planned dwellings to Holmes Road, I have visited the site and can see that sunlight will be blocked by the height of the houses, thus depriving the residents of sunlight in their back garden. I am also concerned about the increased volume of traffic, which affects Wadsworth Road and Flash Lane. There are no traffic calming measures in that area, also some of the properties have no off road parking. I have been contacted by a lot of residents in the area and I am concerned about the proposed development.”

Bramley Parish Council have further made representation to the scheme commenting upon issues relating to:

- Traffic generated by the proposal and the impact upon Flash Lane / Bawtry Road junction and the apparent complete absence of measures to deal with the impact upon local residents.
- There do not appear to be any proposals for enhanced pedestrian safety in the vicinity of the application site, which might alleviate the increased pedestrian/vehicle conflict that will be generated by the development e.g. a zebra crossing across Flash Lane.
- The development falls within the Parish of Wickersley, whereas the site access and consequential impact of the development will have a wholly negative effect upon the amenity of the residents of the Parish of Bramley; BPC is keen to understand how any forthcoming Section 106 and/or other infrastructure levies will be allocated in the locality.
- What measures has RMBC taken to address the reported observations following the public consultation exercise.
- Why has there not been a 'comprehensive development' scheme produced, given that RMBC owns all of the vacant land at the head of Wadsworth Road which would complete the regeneration of the area?

Following re-advertisement of the additional technical addendum to the Transport Assessment (TA) a further letter has been received from a property on Coquet Avenue stating:

“The procedure of a survey regarding the traffic within the area and the need to provide some kind of reassurance which will in turn satisfy the public is understood, although it is not understood as to how this can predict the increase in traffic on Wadsworth Road and still this will not change the layout and access to and from the road.

As previously stated Wadsworth Road is a single lane access with vehicles parked either side, this is due to there being no off road parking, an increase in vehicles trying to access the properties proposed for the top of this road will in no doubt create problems – vehicles cannot pass one and other without waiting at either end, at the top or the bottom, this is happening now – so with an increase in traffic onto this road this will surely increase the wait and also lead to queuing and congestion in and around that area – and also increase

the risk towards safety for pedestrian's, and to resident's living on Wadsworth road and on surrounding roads."

Following receipt of revised drawings, further objections to the scheme were received prior to the application being presented to Planning Board on 26 June 2014 from occupiers at Nos. 42, 44, 48 Holmes Road, and 90 Wadsworth Road re-iterating the fact that the re-designed and relocated dwellings did not overcome previous comments raised regarding overshadowing and over dominating building forms, whilst objections on highway safety grounds were further re-iterated and maintained. An additional representation received from an occupier of Long Meadows, although not raising issue to the principle of the development, does however raise concerns over the demolition process, and in particular comments that given the age of some of the buildings on site there are concerns over the potential for land contamination and any asbestos within the buildings.

Following re-advertisement of the latest revised drawings one letter of representation has been received from a resident on Coquet Avenue advising that his objections still stand as stating there has been no amendment regarding the traffic increase on Wadsworth Road and the surrounding area, and that the process behind the various amendments to the application and consultation with the applicant has been very confusing.

The applicant and one objector has registered a Right to Speak at the Planning Board meeting.

Consultations

Streetpride (Transportation & Highways) Unit – Comments that the conclusions in the TA are considered to be sound, based on the robust traffic figures and not applying discounts for existing uses. While any additional trips on the road local to the site may be insignificant they will have a very modest and incremental adverse impact on congestion and the movement of public transport. This may be offset by pursuing a vigorous policy of promoting sustainable transport through the travel plan. In view of the above the traffic impact of the development is expected to be neutral.

Neighbourhoods (Urban Design) – Comment that the palette of materials needs to compliment the wider context, as such it has been suggested that pantile roofing materials be used (as opposed to the use of plain concrete) and that buff bricks have little historical relevance to the area, and this facing material should be substituted in lieu of an appropriate brick colour use. Additionally white window frames as opposed to cream are suggested. Additionally clarification over which plots are to have end sited windows for surveillance purposes is needed. With respect to the comments received from the Council's Urban Design officer in terms of dwellings being provided with end gables overlooking the streetscape these plot designs have subsequently been amended to indicate that this would occur.

Streetpride (Landscape Design) - Comment that the scheme as now revised is considered acceptable as the applicant has confirmed intention to provide a native hedgerow to the 2metre buffer area with the adjacent Green Belt land which can be secured by the imposition of the suggested landscape condition.

Streetpride (Ecology Development Officer) - Notes that adequate ecological information has been provided as part of the application and there are no ecological constraints to the development. Measures to demonstrate biodiversity gain have been included within the application supporting documentation and subject to these being achieved through the imposition of the recommended condition requiring the submission of a biodiversity enhancement statement, then no objections are raised to the proposals.

Streetpride (Leisure & Green Spaces Manager) - Notes that the scheme does not require the specific provision of on-site open space as advocated by the Council's Supplementary Planning Guidance - Housing Guidance 4: 'Requirements for green space in new housing areas.'

Streetpride (Tree Service Manager) - Comments that although the site contains some existing vegetation none of this is proposed to be retained as part of the development proposal. The future prospects of 2 trees outside the site, whose recommended root protection areas extend into the site, will need to be safeguarded by protective fencing in accordance with the recommended barrier fencing condition.

Neighbourhoods (Development Officer) - Comments that the results of testing have indicated that made ground at the application site is affected by contamination which has the potential to affect human health. The site has not been fully characterised in terms of contamination that may exist. It is considered that insufficient testing of materials across the site has been undertaken. Any contamination present needs to be fully delineated so that appropriate remedial measures can be undertaken if required.

Further significant detailed intrusive site investigations are required to be undertaken to quantify the presence, depth and concentration of contaminants within the proposed development area. The results of investigations and chemical testing may reveal that remediation works are required at the site. However these can be controlled via the imposition of the recommended conditions.

Strategic Housing & Investment Service (Affordable Housing Officer) - Notes this development includes the provision of 10 on-site affordable units (3 no 2 bed roomed dwellings 6 number 3 bed dwellings and 1 number 2 bed bungalow, with tenure to be agreed) which equates to an overall onsite provision of affordable housing of 21%. In addition a commuted sum of £10,000.00 towards off-site provision is being offered. Having had the matter of viability tested against the Council's Affordable Housing matrix, in this case the offer of both on and off-site affordable housing is appropriate and accepted and can be secured through the completion of a Section 106 Agreement.

Children & Young People's Services (School Organisation) – Notes that the site is within the catchment area of Wickersley Secondary School which was heavily oversubscribed during academy year 2013/2014 and that in line with other developments in the locality where a number of capital schemes have been addressed to overcome this shortfall that, an Education Contribution of £2,521 per unit (total £121,008 based upon 48 units) is required to assist with this provision.

Streetpride (Drainage) – Raises no objections in principle and considers that the recommended conditions can be imposed to ensure that a comprehensive drainage layout for both foul and surface water drainage should be developed, and that in line with the submitted FRA the proposed surface water should be reduced based on the existing flows from the site with a minimum of 30% reduction designed to a 1 in 1 year return storm period.

Environment Agency – Raises no objections to the proposals and seeks the imposition of an appropriate condition to ensure that the scheme is undertaken in accordance with the recommendations within the Flood Risk Assessment and that the applicant addresses risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency 'Guiding Principles for Land Contamination'. All of these can be attached as an informative in the event that planning approval was to be forthcoming.

Severn Trent Water - Raise no objections subject to the recommended condition in respect of details of foul and surface water drainage being submitted.

South Yorkshire Archaeology Service – Note that the proposed development area is likely to have been heavily disturbed by construction of the Council depot and its archaeological potential will be minimal. For this reason, they do not wish to comment on the application.

South Yorkshire Passenger Transport Executive (SYPTTE) – Note that the site is very well located in relation to proximity to public transport services, and is also located within a short walking distance of many local amenities, therefore encouraging local walking and cycling trips rather than short distance car based trips. SYPTTE further comment that the applicant is advised to outline the measures to promote the use of sustainable travel modes, and this could include the exploration of ticketing incentives and this can be achieved through a S106 obligation.

South Yorkshire Police Architectural Liaison) – Comment that the scheme should be designed with Secured by Design accreditation in mind and that gardens are secure with lockable side gates.

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 be considered in the determination of this application are as follows:

- Principle of development (including loss of employment land).
- The layout and design of the development.
- Impact on highway safety.
- Impact on neighbouring amenity.
- Landscaping.
- Ecology / biodiversity issues.
- Drainage/ flooding issues.
- Contaminated land issues.
- Affordable housing.
- Other Section 106 contributions.

Principle of development:

Paragraph 14 to the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

As previously stated, the majority of the former depot site is allocated for Business purposes with a small portion of the site to the rear of existing

properties on Holmes Road being allocated residential in the UDP. For those areas allocated for residential purposes the principle of the proposed development is therefore acceptable. With regards to the remainder of the site, the key policy issue relates to the loss of employment land and the requirements of UDP Policy EC1.1 'Safeguarding existing industrial and Business Areas,' which notes: "The Council will support proposals which safeguard the viability of established industrial and business areas, including those which seek to improve buildings, infrastructure and the environment."

Taking account of the above the Council considers that since the publication of the NPPF there has been a significant policy shift on retaining employment land which notes at paragraph 22 that: "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

With the above in mind, as with other cases in the Borough where alternative uses have been sought on employment sites, the Local Planning Authority has sought evidence that the site is no longer suitable or viable for employment use, typically through evidence that the site has been marketed unsuccessfully for around 12 months. In this case the applicants have submitted evidence that the site was initially marketed by RMBC as a potential development site in June 2013 in both local and national press, and via boards erected on site with sales particulars initially being sent out to 66 interested parties.

The applicant states that a development brief accompanied the sales particulars which note: "The site is potentially suitable for a range of uses. The preferred use is residential development, including uses such as family housing, flats, retirement or care homes. The development of the site for community facilities such as faith, health and education related uses may be acceptable subject to detailed assessment of design and compatibility with neighbouring land uses. This is also the case with certain business uses, which would be supported due to the site's former use and allocation in the Adopted Rotherham UDP, provided they are compatible with neighbouring uses. Retail, food/drink, hotel, commercial leisure and heavy industrial uses are not considered to be acceptable in this location."

It has been clarified from the Council's Asset Management Team that during this marketing period 8 offers (including the applicants) were received to which all were based on potential residential re-development.

In addition to the above marketing exercise undertaken, the Council has also assessed the site under its Employment Land Review 2010 where it has been recognised that the Bramley/ Wickersley/ Ravenfield area has no potential development sites identified to add / retain additional employment provision

within these areas. The Review concluded that the Council Depot site only scored moderately and recommended that consideration be given to it be re-allocated for alternative use(s). This may offer potential to meet some of Bramley's future housing needs and is consistent with the future role of Bramley/ Wickersley/ Ravenfield as potential principal settlements for growth as set out under the Council's emerging Core Strategy.

Paragraph 49 of the National Planning Policy Framework notes that: "...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Currently the Council is unable to demonstrate its 5 year housing land supply (also including 20% buffer) of deliverable sites and it is therefore considered that there is an overriding justification for allowing the development on this site, and the presumption in favour of sustainable development therefore applies in this case.

In addition, the re-development of other historic re-developed business / industrial uses to the north and east of the site for residential development in the locality i.e. former dairy site and water works site is further considered to justify the proposals. It is further noted that as a brownfield site in an urban area the principle of redevelopment is broadly consistent with the advice in paragraph 17 to the NPPF which notes that: "Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning (amongst others) should:

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas.
- encourage the effective use of land by reusing land that has been previously developed (brownfield land)."

In addition, paragraph 111 to the NPPF notes that: "Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."

Taking account of all the above, it is considered that the proposals as submitted do not conflict with the aims and objectives of UDP Policies EC1.1 'Safeguarding existing industrial and Business Areas,' and is further in accordance with the advice within the NPPF.

The layout and design of the development:

In respect to layout considerations, UDP Policy HG5 'The Residential Environment,' encourages the use of best practice in housing layout and

design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF which states that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

This is further underpinned by UDP Policy ENV3.1 ‘Development and the Environment,’ which states that: “Development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping ...”

In assessing the above layout considerations, as a standalone site, the scheme has been designed primarily on an individual basis, although reference has been taken from the adjacent new build scheme to the north east (Long Meadows) and the dwellings on Holmes Road and the older dwellings located on Wadsworth Road. It is considered further that the mix of dwelling types which are of semi and detached nature is not uncommon in the locality.

In regard to compliance with the Council’s Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: ‘Residential infill plots,’ this notes that: ““normal inter-house spacing should be observed (that is, 20 metres minimum between principal elevations or 12 metres minimum between a principal elevation and an elevation with no habitable room windows), and that any elevation situated less than 10 metres from a boundary with another residential curtilage (including the “host” property) should contain no habitable room windows at first floor level, nor should it contain a window or door to any habitable room or kitchen at ground floor level unless there is adequate screening to prevent loss of privacy.”

The South Yorkshire Residential Design Guide (SYRDG), is underpinned by the principles as set out under BfL12 and further sets out guidance in relation to layout considerations in respect of unit size, minimum room dimensions and outdoor amenity sizes. In respect of the latter, the SYRDG notes that: “Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses/bungalows should be at least 50 square metres; for three or more bedroom houses/bungalows, 60 square metres. Smaller gardens may be acceptable in corner zones of blocks if privacy and daylighting can be maintained.”

For the purposes of avoiding an ‘overbearing’ relationship between buildings, (and respecting privacy) the SYRDG further advocates that a minimum back-to-back dimension (between facing habitable rooms) of 21 metres should be achieved. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.

In assessing the revised scheme, it is acknowledged that the gardens depths to some plots are deficient i.e. the 10 metres distance from 1st floor windows to rear boundaries are not achieved. In this respect it is noted that on those specific plots where these deficiencies occur (i.e plots 3, 4, 33 and 34), the properties are all internal to the scheme and have 1st floor windows overlooking parking courts or internal access roads and do not therefore look over other existing residential gardens surrounding the perimeters of the site.

On the matter of rear garden sizes, notwithstanding the deficiencies raised above, it is considered that none of the proposed dwellings would be deficient in this respect in that the 50 or 60 sq metre areas of amenity space requirements as set out by the SYRDG (dependant on the proposed dwelling type) are met.

With respect to design matters, the recently issued National Planning Practice Guidance (NPPG) notes that: "Good design should:

- ensure that development can deliver a wide range of planning objectives.
- enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being.
- address the need for different uses sympathetically."

In addition, paragraph 64 to the NPPF further adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions."

On this matter, the scale of the dwellings as now revised are considered commensurate in scale to the majority of the surrounding dwellings in that 27 out of the 48 proposed are indicated as being two storey dwellings in height comprising a mix of hipped and pitched roof forms, with 20 units being two storey with rooms in the roofspace with pitched roofs, and 1 being a single bungalow.

The impact of the layout on existing neighbouring properties is discussed below.

In terms of the proposed material of construction, further comment has been made from the Council's Urban Design officer over the fact that the palette of materials needs to compliment the wider context, and as such it has been suggested that pantile roofing materials (as opposed to the use of plain concrete) and that buff bricks have little historical relevance to the area, and this facing material should be substituted in lieu of an appropriate brick colour use, and that additionally white window frames as opposed to cream are suggested. These matters have been discussed with the applicant who wishes to place an individual stamp upon the development and is willing to accept the imposition of an appropriately worded condition in the event that planning permission were to be granted in order to seek resolution on this matter.

Taking account of all the above matters (scale and design) it is considered that along with the land levels issue in these specific localities, the scale of the dwellings is considered appropriate and subject to the imposition of the recommended conditions in respect of materials that the scheme accords with the provisions of UDP Policies HG5 'The Residential Environment,' ENV3.1 'Development and the Environment,' along with the Council's Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots,' the South Yorkshire Residential Design Guide and advice contained within the NPPG and the NPPF.

Impact upon highway safety:

UDP Policy T6 'Location and Layout of Development,' refers to the Location and Layout of Development and requires that new developments have regard to the desire to reduce travel demand.

Paragraph 32 of the NPPF requires that all development that generates significant amounts of movement should be supported by a Transport Statement or a Transport Assessment. It goes on to require that the opportunities for sustainable transport modes have been taken up, that safe and secure access for everyone can be achieved and that cost effective improvements to the highway network should be undertaken to limit the significant impacts of development.

Paragraph 35 of the NPPF relates more specifically to detailed highway design.

In addition, the Council's minimum Parking Standards (adopted June 2011), recommends for residential developments that 1 or 2 bedroom properties should be provided with 1 parking space per dwelling; 3 or 4 bedroom properties provided with 2 No. parking spaces per dwelling.

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots,' notes that: "The Council will also give consideration to the removal of permitted development rights for (amongst others) the conversion of integral garages to living accommodation."

The scheme has been assessed in highway safety terms both in respect to the site as a whole and upon the wider highway network and concludes that on balance the traffic impact of the development is expected to be neutral.

In respect of the wider highway issues, the comments received from local residents primarily relate to the potential impact of the scheme upon Wadsworth Road which is a straight road serving a number of dwellings and given the age of dwellings with limited or no off street parking facilities this often leads to vehicles being parked on both sides of the carriageway. In responding to these concerns, the Council's Streetpride Transportation & Highways Unit comment that Wadsworth Road was designed at 7.3 metres in width to accommodate industrial traffic from the former Council Depots and

this width remains capable of accommodating 2 way car traffic flows in addition to on street parking fronting those terraced houses, which also assists with calming traffic speeds. No evidence has come to light regarding excessive vehicle speeds, whilst visibility at the site access and at Wadsworth Road / Flash Lane junction is considered to accord with industry standards.

On the matter of pedestrian safety, the Transportation Unit note that for the majority of Wadsworth Road, separate footways are available and that the applicant has indicated that a prospectively adoptable footway is to be provided around the grassed area adjacent to the site to complete the footpath provision in this location. This would be carried out the developers expense and this can be secured via the imposition of an appropriately worded planning condition.

In respect to the issue relating to the impact upon the Cross Street / Flash Lane and Bawtry Road signalled junction, the Transportation Unit confirm that the submitted Transport Assessment (TA) and subsequent modelling demonstrates that the development if implemented will result in a maximum of 1 additional car added to the predicted traffic queues up until 2019. With this in mind the advice received is that it would seem unlikely that any difference in traffic flows from this development would be perceptible. Whilst it is noted that a very modest and incremental adverse impact on congestion and the movement of public transport would arise from the proposed development, it is considered that this could be offset by pursuing a vigorous policy of promoting sustainable transport through the submission of a travel plan.

With this in mind and particularly having regards to sustainability matters, both the Transportation Unit and SYPTE confirm that pedestrian links in the area are good and comprise a combination of footways alongside the carriageway and public rights of way which link through to the bus stops on Bawtry Road which serve the Sheffield - Rotherham – Maltby – Doncaster quality bus corridor. Given this public transport connectivity of the site it has been suggested that a suitable public transport season ticket to each household is provided to which the developer has acceded to such a provision through the provision of a S106 planning obligation.

In site layout terms, Streetpride confirms that the internal arrangements accord with both the guidance from within the South Yorkshire Residential Design Guide and Manual for Streets, whilst the proposed level of off street car parking facilities further according to the Council's Minimum Residential Car Parking Standards subject to a condition requiring that those properties being provided with integral garaging having permitted development rights removed to ensure the adequate levels of parking are achieved; with further conditions suggested requiring details of road sections, constructional and drainage details; surfacing details for those areas to be used by vehicles. Additionally Streetpride support the suggested use of Travel Master Passes which can be secured via the S106 Obligation attached to any permission granted.

In respect to the observations received from residents over alternative access points (primarily onto Bawtry Road through the covered reservoir site) and lack of zebra crossing onto Flash Lane these matters have been investigated and in terms of alternative access discounted on the grounds that the site does not have a direct boundary with Bawtry Road, and even if this were to be possible Streetpride have confirmed that site access would be resisted on road safety grounds as it is safer to channel vehicle movements to / from Class A roads from as few a number of junctions / accesses as possible..

On the matter relating to the zebra crossing onto Flash Lane, monies towards such a provision were secured as part of a £10,000 contribution for such a crossing between Prospect Close and Wadsworth Road as part of planning approval RB2005/0792 for the residential re-development (54 dwellings and 10 flats) at the former 'Stonegate' Food premises of Progress Drive. However as these monies were not allocated within the required timeframe owing to the required criterion not being met these monies were returned to the developers in line with the S106 clawback provisions.

In respect of providing such a contribution towards a zebra crossing as part of the current scheme, Streetpride have again indicated that the scheme as submitted does not trigger an automatic request for such a provision and taking account of the fact that the number of pedestrian movements previously did not support the need for a formal crossing (although dropped kerbs were provided to assist with crossing Flash Lane in the immediate locality) it is not considered likely that the proposed development would change this situation to enable such a request.

Overall with the above in mind, it is considered that the proposal would not be detrimental in highway or pedestrian safety or add to congestion upon the surrounding junctions / wider highway network and as such the scheme subject to the suggested conditions accords with UDP Policy T6 'Location and Layout of Development,' as well as the advice within the NPPF.

Impact on neighbouring amenity:

The NPPF notes at paragraph 17 that: "Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning (amongst others) should:

- always seek... a good standard of amenity."

In addition to the above of further relevance are the inter-house spacing standards contained within the Council's Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots,' which indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

The SYRDG further advocates that for the purposes of privacy and avoiding an 'overbearing' relationship between buildings, that: "...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 notes that for the purposes of daylighting back-to-back distances should, as appropriate to specific circumstances, be limited by the '25 degree rule,' (i.e. all built development facing a back window should be below the 25 degree line).

With the above standards in mind, the north, south, and west boundaries have open aspect over the adjacent school playing fields and covered reservoir. It is considered that in these localities the introduction of a mix of two and two storey with rooms in the roofspace dwellings with garden depths as indicated ranging in depth by some 10 – 14 metres, and taking account of orientation and position, would have no impact on nearby residents.

The north eastern section of the site backs onto the recently constructed Long Meadows residential development which contains a mix of two and three storey development and limited rear gardens of some 10 metres in depth in this locality. The scheme, as revised, proposes a change to plot 1 from a 'Florence' to a K type house which would be gable end on to the properties on Long Meadows with a roof ridge of approximately 8.9 metres in height. Taking account of the scale and bulk of the existing two storey depot buildings which run alongside the rear gardens of dwellings on Long Meadows in this location, it is not considered that the introduction of a single dwelling in this locality would be significantly harmful to the amenities of existing occupiers. In respect to overlooking matters the position of the proposed dwelling and the juxtaposition of existing properties on Long Meadows would mean that only very slight and oblique overlooking (from plot 1) would occur to the rear gardens, and any overlooking is not considered to be significant.

Following the representations received, the main revision to the scheme relates to the removal of a pair of semi-detached properties (formally plots 40 & 41) and their replacement with a detached bungalow (now plot 40) with eaves height of 2.5 metres and ridge height 5.3 metres. It would be separated away from the rear boundary with Nos 42 & 44 Holmes Road by some 3.4 metres giving a total distance between dwellings (notwithstanding provision of boundary treatments) of 14.4 metres. In addition, the pair of semi detached properties proposed on plots 38 and 39 have been altered from gable to hipped roofs to reduce the impact on the neighbouring properties on Holmes Road. As such, it is considered that the proposed dwellings would conform with the Council's Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots,' and the advice as set out in the SYRDG.

In respect to the representation received from the occupier of the property on Wadsworth Road, it is noted that this property has a similar orientation to Holmes Road residents wherein they already experience overshadowing in the latter part of the day. With respect to the revised house type at plot 41, it is noted that the ridge height is reduced from the original 'Naples' design

indicated at 11 metres to 7.4 metres as now proposed under the 'Florence' house type, and provided with a hip as opposed to a gable roof. In addition, the main side elevation is moved further away from the existing property, (to approximately 16.5m), with an attached garage proposed on the side. Finally, there is a levels difference in favour of the application site which is set at a slightly lower level (approx. 1 metre) to the adjacent gardens. All of the above would ultimately assist in ensuring that no adverse effect on residential amenity would occur through loss of privacy, overlooking or over bearing building form.

Turning to the internal layout of the scheme, in general terms the spacing standards and distances between proposed dwellings as submitted accords with the advice as set out within the Council's Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots,' and the advice as set out in the SYRDG. It is acknowledged that there are a couple of instances i.e. at plots 29 and 42 where the standards of 12 metres minimum between a habitable room window and an elevation with no windows cannot be achieved. However, in these cases it is considered that due to the proposed width of the properties (and associated gardens) and the orientation of the houses to each other the proposal would be acceptable to the future occupiers of the proposed properties.

Landscaping:

UDP Policies HG5 'The Residential Environment,' and ENV3.1 'Development and the Environment,' along with guidance in the South Yorkshire Residential Design Guide (SYRDG) and the NPPF require developments to focus on providing good quality design (including landscaping) to which in respect of this scheme is considered to have been fully taken account in regards to the layout considerations raised above.

In addition the Council's Adopted SPG - Housing Guidance 4: 'Requirements for Green space in new housing areas,' notes that: "The Council, as part of its normal development control process will, for those sites with fewer than 50 family houses, encourage the provision of Green space appropriate to the character of the site and its surroundings, in accordance with Policy ENV3.1 'Development and the Environment.'"

In terms of the open area of land as indicated in front of plots 1, 2, and 48 adjacent to the northern access point, the Council's Green Spaces Manager confirms that the site falls under the threshold for requiring formal onsite public open space provision (under the adopted SPG) and that these areas would be deemed incidental Urban Green space. The applicant has noted that it would be the intention that this land would be maintained for an initial 5 years before being transferred over to those occupiers of the nearest plots on the proviso that this is not subsumed into garden areas and can be secured under a condition of deed. Although in principle no objections are made to this issue, in order to ensure the Council can retain future control over this matter it is considered that the imposition of a suitable condition can be appended to any permission granted.

In regards to remaining landscaping issues, the sites current north, west and south treatments to the adjacent school and water company owned land consist of metalled palisade fencing and these are proposed to be replaced with a softened barrier comprising of 2m wide buffer and landscaped with 1.5m fencing plus 0.3m trellis with additional hedgerow planting. To the remainder of the site boundaries, it is proposed to retain existing boundary treatments where appropriate, whilst internal treatments to the site are indicated as being demarked with either 1.8m close boarded fencing or 1.5 metre close boarded fencing with 0.3 metre high trellis on top, with those gardens which abut the proposed internal highways indicated to be provided with 1.8 metre high screen walls. The area indicated within the site immediately adjacent to the northern site access is further indicated to be enclosed with low level railings at some 1.2 metres in height.

Taking account of the above it is considered that the suggested landscaping for the site is considered appropriate and accords with UDP Policies HG5 'The Residential Environment,' and ENV3.1 'Development and the Environment,' and the Council's Adopted SPG - Housing Guidance 4: 'Requirements for green space in new housing areas,' along with guidance in the South Yorkshire Residential Design Guide (SYRDG) and the NPPF, and that this can be achieved by the imposition of the suggested condition.

Ecology / biodiversity issues:

UDP Policy ENV3.2 'Maintaining the Character and Quality of the Environment,' states: "In considering any development or other proposals which would unavoidably damage an existing environmental interest, prior to determining a planning application, the Council will require the application to be supported by adequate survey, evaluation, recording, and where appropriate, details of renovation or repair of historic fabric and rescue or relocation of features or species of environmental interest should be reduced to a minimum and, where possible, the interest which is retained should be enhanced. In addition there must be adequate compensation for any significant losses through landscaping, habitat creation or other environmental enhancement."

Paragraph 118 of the NPPF states "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- Opportunities to incorporate biodiversity in and around developments should be encouraged."

The application has been accompanied with a bat and breeding bird survey, to which having assessed this the Council's Streetpride (Ecology) Officer is not aware of any ecological constraints to the development proposals on this site and notes that the demolition of buildings and change of use to residential, with the provision of new garden spaces, will provide an increase in ecological value within the site. It is however noted that all opportunities to

enhance wildlife interest have yet to be fully explored, i.e. increasing the level of native species hedgerow provision and tree planting; the use of mixed species hedgerows in place of timber fencing for boundary treatment along with the provision of integrated bird nest and bat roost features at a minimum rate of approx 20% of new dwellings, which would result in a total of ten dwellings for this scheme. Such matters can be secured via the submission of further biodiversity enhancement statement through the imposition of an appropriate condition, and subject to this, it is considered that the proposal would be in accordance with UDP Policy ENV3.2 'Maintaining the Character and Quality of the Environment,' along with the advice in the NPPF.

Drainage/ flooding issues:

UDP Policy ENV3.2 'Minimising the Impact of Development,' notes that: "In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources..."

The NPPF further advises at paragraph 103 that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

Although the site lies outside the identified flood zone, the applicants have submitted a Flood Risk Assessment (FRA) which assessed the site as "...having a less than 1 in 1000 annual probability of river or sea flooding in any year, as identified on the Environment Agency's indicative flood map."

The FRA recommends a number of precautionary measures to which the Council's Drainage Engineer, Severn Trent Water and the Environment Agency do not raise objection to and consider these matters can be controlled via the imposition of the recommended conditions and informatives and as such compliance with UDP Policy ENV3.2 'Minimising the Impact of Development,' along with the guidance contained within the NPPF is achieved.

Contaminated land issues:

UDP Policy ENV4.4 'Contaminated Land,' notes that: "Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:

- (i) undertaken investigations to establish the nature and extent of the contamination and its potential effects on the proposed development and/or the occupants thereof, and
- (ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council."

The NPPF further notes at paragraph 120 that: "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

The NPPF further advises at paragraph 121 that; "Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as ...pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- adequate site investigation information, prepared by a competent person, is presented."

Comments received from neighbouring properties primarily relate to demolition processes and in particular given the age of some of the buildings on site over the potential for land contamination and any asbestos within the buildings.

In assessing the submitted Phase 1 & phase 2 Geotechnical and geo-environmental site investigation reports it is highly likely that due to the sites previous uses that contamination of the soils has occurred, and that localised zones of contaminated material may be found on the site in areas that were not covered by the investigation which has the potential to affect human health. The report does not specifically address the issues surrounding asbestos within the buildings though this can be addressed by way of a planning condition.

The comment received from the Council's Contaminated Land (Development Officer) is that insufficient testing of materials across the site has been undertaken, and that any contamination present needs to be fully delineated so that appropriate remedial measures can be undertaken if required. To that extent a further significant detailed intrusive site investigation is required to be

undertaken to quantify the presence, depth and concentration of contaminants within the proposed development area. The results of investigations and chemical testing may reveal that remediation works are required at the site. Such a request can be controlled via the imposition of appropriate conditions as can the issues requiring details of demolition management strategy and potential asbestos disposal matters.

Affordable housing:

In regard to affordable housing provision, paragraph 50 of the NPPF states that: "...where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time."

The Council's Interim Planning Statement (IPS) on Affordable Housing (2008), notes that for planning applications for 15 or more houses or for sites of 0.5 hectares or more, no less than 25% of all dwellings shall be provided on site and will be secured by means of a Section 106 Agreement. The IPS further advises that: "Other than abnormal costs, there may also be instances where affordable housing provision renders a site's redevelopment for residential purposes less viable than a competing alternative use. Where a Developer wishes the Borough Council to consider such a situation, financial evidence, to be treated confidentially by the Council, will be required to support such a claim. The Borough Council will appoint an independent professional when viability issues are raised."

The applicant has identified through its submitted viability assessment that the full provision of affordable housing cannot be provided on the site citing amongst other matters the abnormal costs associated with the site i.e. contamination remediation. The viability assessment has not been independently assessed although it has been tested against the Council's viability matrix which applies national standards, prescribed by the Planning Inspectorate to test the viability of individual schemes. The Council's Affordable Housing officer considers that the provision of 21% Affordable Housing, which equates to 10 units on site, and a £10,000 contribution for off-site affordable housing provision would be acceptable. She notes that this would include a 2 bed bungalow built to mobility standards, to which its occupation can be controlled under the terms within the Section 106 Planning Obligation, and that such dwellings take up more land than typical two storey properties,

Accordingly, it is considered that the proposals accords with The Council's Interim Planning Statement (IPS) on Affordable Housing and the advice within the NPPF.

Other Section 106 contributions:

Paragraph 204 of the NPPF notes that: "Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.

With the above in mind, the Council's Children & Young People's (School Admissions, Organisation and SEN Assessment) Service have requested that a financial contribution of £121,008 is necessary to ensure that a continued secondary education provision for the on-going capacity issues encountered at Wickersley which is already oversubscribed.

The applicant has acceded to this request for a financial contribution and therefore the test for planning obligations set out under the NPPF is met.

Conclusion

In conclusion, it is considered that the loss of employment land has been justified in this case by the material considerations and that the re-development of this land would contribute to a 5 year supply of housing for the Borough with a reasonable proportion of on-site affordable housing and a further contribution to provide off site affordable housing to serve the specific needs of Bramley.

Furthermore the scheme as now revised and amended provides an acceptable layout and design which would not cause harm to the residential amenity to existing and future occupiers through over dominating / overshadowing building forms or loss of privacy.

Furthermore it is not considered that the proposals would result in harm to drainage / flooding matters, neither would it impact upon ecology or biodiversity of the surrounding area. Additionally it is not considered that the scheme, subject to further ratification, would be harmful in respect to demolition or contaminated land matters.

Additionally it is not considered that the proposals would be detrimental in highway safety terms given its sustainable location neither would it lead to wider issues to the surrounding highway network.

As such, taking account of all the above, it is considered that overall the scheme is considered to be in accordance with relevant UDP Policies and the guidance within the NPPG and NPPF and it is recommended that planning permission be granted subject to the signing of a legal agreement and the suggested conditions as set out below.

Conditions

GENERAL

01

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

Reason

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

02

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

Drawing numbers:

LP01 Location Plan

FCD/SK01a Rev S –Sketch layout

Drawing no. 03 - Florence house type (hipped roof)

Drawing no. 07 – AH3 (bungalow)

Drawing no. 09 - Imola house type

Drawing no. 10 - Siena house type

Drawing no. 10 - Geneva house type

Drawing no. 10a - Zurich house type

Drawing no. 10 – K type Trad

Drawing no. 11 – Naples house type (Glife30)

Drawing no. 11c – Naples house type (Glife30: rear facing living)

Drawing no. 12 - Naples house type (front facing living)

Drawing no. 12c – Naples house type (Glife30)

Drawing no. 20 - Milan house type (GL22 – MilanHQI; pitched roof)

Reason

To define the permission and for the avoidance of doubt.

03

No 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 UDP Policy ENV3.1 'Development and the Environment'.

DRAINAGE

04

No development approved by this planning permission shall take place until such time as a scheme to manage disposal of foul and surface water drainage has been submitted to, and approved in writing by, the local planning authority. The drainage scheme must be in line with the proposals outlined in the recommendations as set out within ARP Associates Flood Risk Assessment – Report No. 374/27r1A (Feb 14). The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

In order to prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site, and to ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

HIGHWAYS:

05

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 and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

06

Prior to the commencement of the development hereby approved, detailed road sections, constructional and drainage details shall be submitted to approved in writing by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

07

Prior to the commencement of development, details of the proposed footway as shown in draft form on Dwg No FCD/SK01A rev S shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the occupation of the first dwelling.

Reason

No details having been submitted they are reserved for approval.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), all dwellings with integral garages as indicated on Dwg No FCD/SK01A rev S shall retain these garages for car parking for the lifetime of the development hereby approved.

Reason

In order to ensure the adequate provision of on-site parking in accordance with the Council's adopted Car Parking Standards (June 2011).

ENVIRONMENTAL:

09

Following the completion of demolition works at the site and before any dwellings are constructed, a detailed intrusive site investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report must 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).

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

Subject to the findings of Condition 09, a Remediation Method Statement shall be provided and approved by the Local Planning 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.

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

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

12

Ground gas monitoring will be required to determine the ground gassing regime at low and falling atmospheric pressure conditions. This will enable a current gas risk assessment to be undertaken, to determine if gas protection measures are required for the proposed development. If gas protection measures are required for the site, these will need to be agreed in writing by the Local Planning Authority prior to development commencing, and approved details implemented before the development is brought into use.

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

Prior to development if subsoil's / topsoil's 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. Following the placement of any subsoils/topsoils in all garden and soft landscaping areas, validation of materials placed will be required to confirm that soils of sufficient quality and quantity have been placed

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

Prior to the commencement of demolition of the existing buildings, a survey confirming the presence / extent of asbestos containing materials within the buildings' construction and the methods to be employed for its safe removal and disposal shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall be undertaken 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 in accordance with UDP Policies ENV3.7 'Control of Pollution,' and ENV4.4 'Contaminated Land.'

Ecology / Biodiversity / Landscaping:

15

Prior to the commencement of development hereby approved, a biodiversity enhancement statement, including a schedule for its implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is first occupied.

Reason

To reflect the advice of the NPPF and protect the ecological interest of the site.

16

Prior to the commencement of development a landscape management plan, including long term design objectives, management responsibilities / implementation timescales and maintenance schedules for all landscape areas within the site, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall thereafter be implemented, maintained and retained in accordance with the approved details.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies HG5 'The Residential Environment,' and ENV3.1 'Development and the Environment.'

17

Prior to commencement of development, 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 and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

18

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 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations This shall be 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 UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

Informatives

01

The applicant's attention is drawn to the fact that in discharging the requirements of Condition 04 that the following matters should be addressed:

- Limiting the surface water run-off generated by the development so that it will reduce the run-off from the existing site by a minimum of 30% and reduces the risk of flooding off-site.
- Flood Resilience measures are included as detailed in sections 7.1.2 and 7.1.3 of the FRA.
- Finished floor levels are set no lower than 150mm above the existing ground level as detailed in section 7.1.1 of the FRA.

The comments / guidance as contained within the Environment Agency's consultation dated 17 April 2014 are further attached.

02

The applicant's attention is additionally drawn to the fact that in discharging the requirements of Condition 12 as a minimum, gas monitoring should be undertaken on 12 occasions over a period of 6 months.

03

The applicant's attention is further drawn to the fact that 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.

04

The applicant's attention is drawn to the comments received from the Council's Ecology Officer in respect of discharging the requirements of Condition 15 that increasing the level of native species hedgerow provision and tree planting; the use of mixed species hedgerows in place of timber fencing for boundary treatment should be considered. The provision of integrated bird nest and bat roost features would also be welcome; (similar developments have incorporated features at a minimum rate of approx 20% of new dwellings, which would result in a total of ten dwellings for this application) and these features should be placed in the most appropriate locations.

05

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.

(i) 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 09:00 – 14:00 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.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 14:00 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).

(iii) 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.

(iv) 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.

06

The applicant's attention is drawn to comments of the Police Architectural Liaison Officer in that the dwellings should incorporate the following:

- Lockable 1.8m high gates should be used as close to the front of the building as possible.
- Front and back entrances should be well lit.
- All doors and windows should be to PAS 24:2012 the required standards for Secured by Design.

07

INF 20 Deeds/Covenants/Rights of Access

The granting of this permission does not override any restriction/requirement set out in any deeds or covenants relating to the site or any right of way that may exist over the site. These are separate matters that need to be resolved accordingly before development can take place.

08

INF 33 Section 106 Agreements

This planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is

normally enforceable against the people entering into the agreement and any subsequent owner of the site.

POSITIVE AND PROACTIVE STATEMENT

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

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
17 JULY 2014**

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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<p>RB2014/0749 Application to vary Condition 01 (extend opening hours between 00:00 Monday to 23:00 hours Saturday) imposed by RB2013/1267 (Continuation of use of supermarket and a non-food retail unit with variation to Condition 01 (opening times) imposed by RB2012/1336 to increase the opening hours to customers between 00:00 hours Monday to 22:00 hours Saturday & 08:00 to 18:00 hours on Sunday with delivery times to remain the same as previously approved under RB2012/1336 (0700-2200 Monday to Saturday and 0800-1800 Sunday) at Asda Stores Ltd., Taylors Lane, Parkgate for Asda Stores Ltd.</p>	<p>Page 58</p>

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
17 JULY 2014**

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	RB2014/0605
Proposal and Location	Details of Phase 1 (external floor area 3985 sqm) erection of 5 No. retail units (matters reserved by Outline RB2013/0915) Land at Great Eastern Way, Parkgate, S62 6JG
Recommendation	Grant subject to conditions



Site Description & Location

The application site comprises of a part of the site of a former car showroom on the corner of Great Eastern Way and Broad Street in Parkgate. This is a reserved matters application following approval of an outline application for the whole of the site. The site has a triangular shape and has been cleared following the demolition in recent years of all buildings associated with the car showroom and is now surrounded by hoardings which provide screening from the street. The site is relatively level.

Parkgate town centre lies directly to the north and north west whilst on the opposite corner of Broad Street (also to the west) is the more modern retail complex comprising of a small Asda supermarket, Farmfoods frozen food store and a flooring store. To the north and north east are a number of industrial units off Lloyd Street and to the east is a car showroom further along Great Eastern Way. To the south are the retail warehouse units on Foundry Retail Park. The main Parkgate Shopping Centre lies approximately 0.5 km to the south.

The town centre of Parkgate to the north and west comprises mainly of retail premises in traditional small scale shop units predominantly in old buildings and terraced properties. By comparison, the Asda, Farmfoods and flooring store are more modern buildings being constructed around 2002. Similarly the retail units on Foundry Retail Park are large warehouse type structures of a modern design.

Background

RB1987/1017 – Excavation and reworking of surface materials – Withdrawn

RB1993/0324 – Display of several illuminated signs – Granted Conditionally

RB1996/0068 – Erection of 4 flagpoles and 3 bill poster hoardings – Granted

RB2002/0129 – Erection of a building to form a car repair clinic – Granted Conditionally

RB2004/1270 – Change of use to A1 Retail – Withdrawn

RB2007/0317 – Display of various illuminated signs – Granted

RB2008/0278 – Display of various illuminated and non illuminated signs – Refused

Members may recall the outline planning application for this site being presented in 2013. Outline planning permission was granted under reference RB2013/0915 for the erection of 5 retail units comprising discount foodstore (1,537 sqm), 2no. A1 retail units (653 sqm and 1858sqm), bulky goods unit (1394sqm) and an A5 unit (232sqm) (Total floor area of 5673 sqm.)

Environmental Impact Assessment

The proposed development falls within the description contained at paragraph 10 (b) of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Council as the relevant Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Accordingly the authority has adopted the opinion that the development for which planning permission is sought is not EIA development as defined in the 2011 Regulations.

Proposal

This is a reserved matters application which seeks permission for Phase I of a retail development relating to approximately two thirds of the site of the outline permission and comprises of four retail units. The proposed development comprises of a row of four units, three of which are large units and one is a small hot food takeaway unit.

The sizes of the units are consistent with the outline permission and comprise of the following:

Unit 1: Discount foodstore with a gross floor area of 1,537 sqm and 1000 sqm net sales area;

Unit 2: Non Food Retail Unit with gross floor area of 652;

Unit 3: Non Food Retail Unit (Bulky goods) with gross floor area of 1,394 sqm;

Unit 4: Hot Foot Takeaway Unit with gross floor area of 232sqm.

Development Plan Allocation and Policy

The site is allocated for Mixed Use in the Unitary Development Plan and is defined as MU13. The area specific text in Chapter 6 of the UDP states that the following uses will be acceptable within this Mixed Use Area B1, D1 and D2.

EC5 Mixed Use Areas

T6 Location and Layout of Development

Other Material Considerations

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

Publicity

The application has been advertised by way of site notice and press notice. In addition individual letters have been sent to neighbouring properties. No representations have been received.

Consultations

Streetpride (Transportation Unit) – No objection subject to conditions;

Streetpride (Landscape Team) – No objection subject to conditions;

Neighbourhood and Adult Services (Environmental Health)- No objection subject to conditions

Environment Agency – No objection subject to conditions;

Architectural Liaison Officer – No objection.

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 14 of the NPPF states that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted."

The main considerations in the determination of this application are:

- Principle
- Design, Scale and Visual Amenity
- Highway Safety
- Landscape Design

Principle

The principle of retail development on this site has been established by the outline planning permission to which this reserved matters application relates. This reserved matters application seeks approval for the reserved matters which are appearance, scale, layout and landscaping as access was formally considered at the outline stage. The reserved matters application seeks to develop approximately two thirds of the site (i.e. Phase I) and the development is consistent with the outline permission. There are no implications in terms of the principle of the development.

Design, Scale, Layout and Impact on Visual Amenity

Paragraphs 56 and 57of the NPPF state that:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people... It is important to plan positively for the achievement of high quality and inclusive design for

all development, including individual buildings, public and private spaces and wider area development schemes.”

In addition Policy ENV3.1 of the UDP requires development to make a positive contribution to the environment by achieving an appropriate standard of design.

The application site lies within an area which immediately consists of a number of industrial type buildings to the north whilst to the south of the site on the opposite side of Great Eastern Way are the retail warehouse units on Foundry Retail Park. These units consist of large scale utilitarian buildings predominantly profile clad with the exception of the CSL building which is of a modern and much higher quality appearance. On the opposite side of Broad Street is the small retail park consisting of three retail units. These units are of a smaller scale and consist of both brickwork and cladding to the elevations.

The proposed units are very similar in style and scale to those on the adjacent retail park with a mixture of cladding, glazing and brickwork to the elevations. The layout of the units is somewhat constrained by the size of the site and the position of the access on Great Eastern Way. The layout provides the main elevation towards the car park and Great Eastern Way itself. However, amended plans secured through the application process show that an element of glazing (albeit glazing look like panels) have been wrapped around the corner of Unit 1 to provide a higher quality appearance on to Broad Street. There are also high level windows along the length of the elevation facing Broad Street. It is considered that this treatment along Broad Street is important given that the site also sits on a prominent and important corner and is a key route into Rotherham with a significant amount of passing traffic. The appearance of the corner of Unit 1 is considered to be much improved from the previously proposed elevations which consisted simply of a wraparound element of white render. Although the glazing will not allow views into the store and the main entrance remains on the elevation facing the car park, it does provide a more legible elevation and more of a shop front type appearance.

The front elevations of the building are characterised by large glazed entrances and doors shop fronts and the rear elevation has brickwork to the lower part of the elevation with cladding on the upper section. It is considered that the inclusion of different materials will add visual interest and help to break up the otherwise large expanse of profiled cladding. Overall, the proposed development is considered to represent an appropriate scale of building and design which would sit in an acceptable manner with the surrounding built form. It is therefore considered that the scale and design of the proposed development accords with the NPPF and UDP Policy ENV3.1.

Highway Safety

Paragraph 32 of the NPPF states that:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

UDP Policy T6 refers to the location and layout of development and requires regard to be had to:

- “(i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,
- (ii) major trip generating land-uses, such as major employment, leisure, retail and high density residential developments, are located in close proximity to public transport interchanges and service corridors,
- (iii) the development of sites which cause unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided,
- (iv) development patterns, where appropriate, provide opportunities for living close to places of work, and
- (v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities.

In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities.”

The proposed access to the site was approved at outline stage and the layout submitted under the reserved matters application is consistent with that approved layout. In addition, the number of car parking spaces accords with the Council’s maximum standards.

The site is also within a sustainable location with good access to a range of modes of transport and is located on the edge of Parkgate Town Centre where linked trips by shoppers are likely to take place. A pedestrian access straight onto Broad Street is proposed to encourage this and also provides convenient access to adjacent bus stops (which are to be upgraded – this is secured by a contribution in a Section 106 Agreement attached to the outline permission).

Overall, it is considered that the principle of the access into the site is already established. The site lies within a sustainable location and the level of car parking within the site is appropriate. The development therefore accords with UDP Policy T6, the Council’s Maximum car parking standards and paragraph 32 of the NPPF.

Conclusion

In conclusion, the principle of a retail development on this site is established by the previous outline permission. The design, scale and layout of the development are considered to be acceptable given its location in close proximity to other similar scale and format retail parks. The principle of the access to the site was established at outline stage and the level of car parking and internal layout is considered to be appropriate and accord with the Council’s maximum car parking standards. Similarly the landscaping of the site is considered to be of a high quality to enable the screening and softening of the buildings.

Overall, it is considered that the proposed development accords with the above mentioned policies.

Conditions

01

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)

Dwg 12516-100 Rev E
Dwg 12516-101 Rev D
Dwg 12516-OPTION 2
Dwg 12516-103 Rev B
Dwg 12516-104 Rev A
Dwg V12516 L01 Rev C

(Received 2 July 2014)

Reason

To define the permission and for the avoidance of doubt.

02

Landscaping of the site as shown on the approved plan shall be carried out during the first available planting season after commencement of the development. 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 UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

03

No 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 UDP Policy ENV3.1 'Development and the Environment'.

04

All cooking fumes shall be exhausted from the building via a suitable extraction and/or filtration system. This shall include discharges at a point not less than one metre above

the highest point of the ridge of the building or any such position as may be agreed in writing by the Local Planning Authority prior to the commencement of the development. The extraction/filtration system shall be maintained and operated in accordance with the manufacturer's specifications, details of which shall be submitted to and approved by the Local Planning Authority prior to installation and it shall thereafter be operated effectively during cooking. All systems shall take into account the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA January 2005.

Reason

So as to ensure correct dispersion of cooking odours to avoid disamenity to the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

05

Prior to the occupation of the building, details of the siting of a litter bin to the forecourt or within building and arrangements for emptying shall be submitted to and approved in writing by Local Planning Authority. The approved details shall be implemented prior to the first occupation of the unit.

Reason

In the interests of visual amenity and to reduce the problem of litter and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

Informatives

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0800 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays. Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours.

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 shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Throughout the construction phases of development 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 otherwise arising from on-site activities.

Throughout the construction phases of development all vehicles reversing warning alarm systems shall be operated in accordance with a specification submitted to and agreed in writing by the Local Planning Authority prior to commencement of development.

At all times, effective means shall be employed to prevent and counteract the effects of audible warning alarms to nearby noise sensitive receptors. No audible warning alarm shall exceed the ambient noise level in the working location by more than 5dBA.

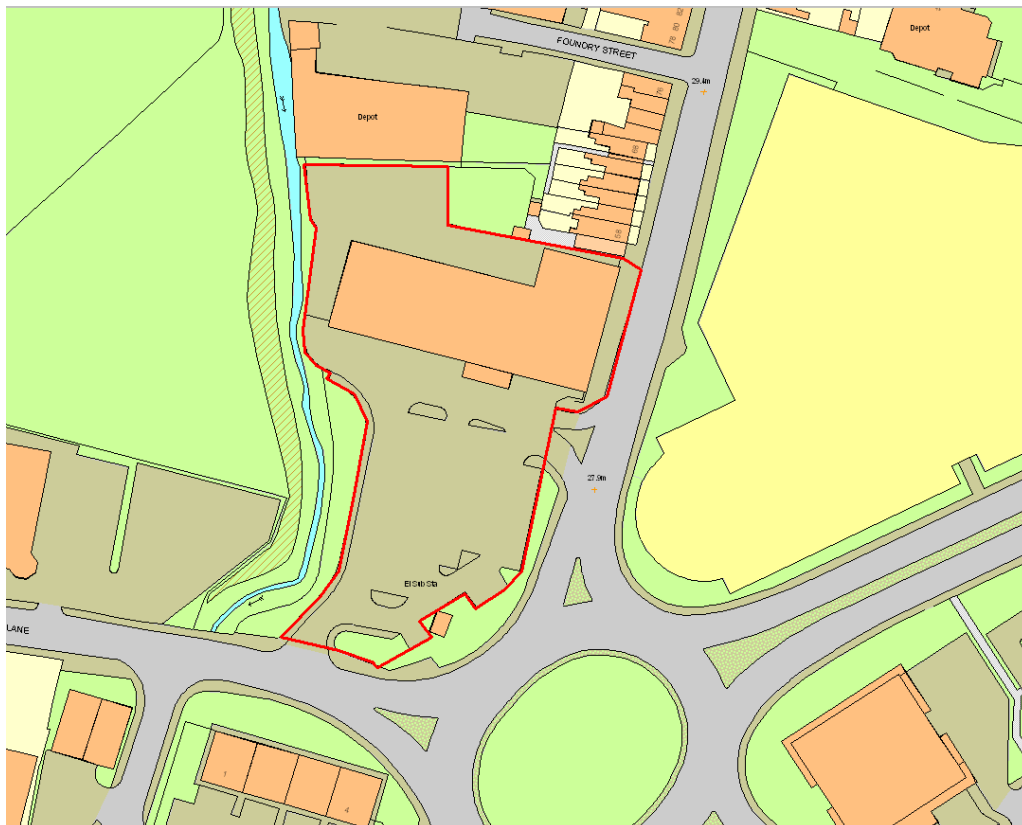
At all times during the carrying out of development authorised or required under this permission, effective means shall be employed to minimise dust. Such measures shall include water bowsers, sprayers whether mobile or fixed, or similar equipment, upward pointing exhausts, wind fences, landscaping bunds, stockpile dampening, aerodynamic shaping of stockpiles to prevent dust lift off, regulating the speed of vehicles, hard covering of roadways and other steps as are appropriate.

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

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	RB2014/0749
Proposal and Location	Application to vary Condition 01 imposed by RB2012/1336 to increase the opening hours to customers by 1 extra hour on Saturdays from 22:00 to 23:00 with delivery times to remain the same as previously approved (0700-2200 Monday to Saturday and 0800-1800 Sunday) for Asda at Taylors Lane, Parkgate. S62 6EE.
Recommendation	Grant subject to conditions



Site Description & Location

The application site is adjacent to a roundabout junction which connects to Taylors Lane and Broad Street in Parkgate. The site lies to the north west of the roundabout and lies to the south of the main prime shopping area of Parkgate. The site occupies a total area of approximately 0.84 hectares. There are two main vehicular accesses into the site, a left-only in and left-only out on Broad Street to the east and an unrestricted access to Taylors Lane to the south.

The application site consists of an Asda (formerly Netto) Supermarket and there is also a Farmhouse frozen food store with an associated car park connected to the north of the Asda site. The supermarket has an L-shape and is sited in a broadly commercial location. However, there are some residential properties that share a boundary with the site, directly to the north-east.

Background

The relevant planning history of the site relates to the following applications:

RB2000/1446 - Erection of a supermarket and a non-food retail unit – Granted conditionally

RB2012/1336 – variation to Condition 16 (opening times) imposed by RB2000/1446 to increase the opening hours to customers and deliveries on Monday to Saturday from 07:00 and 20:00 to 07:00 and 22:00 hours – granted conditionally.

RB2013/1267 – Continuation of use of supermarket and a non-food retail unit with variation to Condition 01 (opening times) imposed by RB2012/1336 to increase the opening hours to customers between 00:00 hours Monday to 22:00 hours Saturday & 08:00 to 18:00 hours on Sunday with delivery times to remain the same as previously approved under RB2012/1336 (0700-2200 Monday to Saturday and 0800-1800 Sunday) – granted conditionally

Proposal

This application proposes a variation to the previously approved opening hours to allow an additional hour of use of the supermarket from 22:00 to 23:00 on Saturday night. There is no increase in the hours for deliveries.

The existing condition which controls opening hours states:

The use hereby permitted shall only be open to customers between 07:00 hours Monday to 22:00 hours Saturday & 08:00 to 18:00 hours on Sundays. Deliveries to the site shall remain the same as previously approved under RB2012/1336 and shall be between 0700-2200 Mondays to Saturdays and 0800-1800 hours on Sundays.

The proposed new wording of the condition would be:

The use hereby permitted shall only be open to customers between 07:00 hours Monday to 23:00 hours Saturday & 08:00 to 18:00 hours on Sundays. Deliveries to the site shall remain the same as previously approved under RB2012/1336 and shall be between 0700-2200 Mondays to Saturdays and 0800-1800 hours on Sundays.

The applicant has indicated the additional hour of use is for part of ASDA's continual commitment to improve their service, they seek to ensure that their stores can operate efficiently and effectively whilst providing the services and facilities that are requested by their customers.

Development Plan Allocation and Policy

The site is allocated for Industrial and Business purposes in the UDP, although the site has had a retail function for many years.

The relevant UDP policies are:

ENV3.1 'Development and Environment'
ENV3.7 'Control of Pollution'

RET1.1 'Shopping Environment'

Other Material Considerations

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

Publicity

Neighbouring properties were notified in writing on 02 June 2014 and a site notice was erected on 03 June 2014. One representation has been received which can be summarised as follows:

- No objections as the existing use can not be heard and causes no disturbance.

Consultations

Streetpride (Transportation and Highways Unit) – no objections

Neighbourhoods (Environmental Health) – No objections subject to delivery hours remaining the same.

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 of the application are as follows:

- Impact of increased hours on the amenity of surrounding uses.
- Impact on highway safety.

Impact of increased hours on the amenity of surrounding uses.

The ASDA supermarket is detached from the other buildings in the area, and although there are some residential properties to the north-east of the site, they are approximately 5 metres from the nearest gable side and 50metres to the front elevation.

Paragraph 123 of the NPPF indicates that planning Policies and Decisions should aim to:

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise in new developments;*
- *Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established...*

In this instance, it is recognised that the supermarket has become an established use over the years. The residential properties to the north of the site lie within an area allocated for retail in the UDP and adjacent a main road with other uses within Parkgate centre that operate to and beyond 2200 hours. The supermarket has 24 hour use throughout the week and it is considered that the additional hour of use between 22:00 to 23:00 on a Saturday night would not give rise to any additional ambient noise that would give rise to any increase in disturbance to the residential properties to the north.

No increase in the hours of deliveries are proposed (an element which is considered to potentially have a materially greater impact on the residential properties to the north east) and this will remain the same as previously approved in 2012.

It is therefore considered that the additional hour of operation would conform to the guidance in the NPPF and policies ENV3.7 'Control of Pollution' and ENV3.1 'Development and Environment' of the Unitary Development Plan.

Impact on highway safety.

The Transportation Unit have not raised any objections to the proposal from a highway safety perspective.

There are no changes to the external appearance of the store or any additional changes to the operational working of the business.

Conclusion

Although there are some residential properties to the north-east of the site, these properties face away from the main entrance and it is not considered that the additional impact of hour of use from 22:00 to 23:00 would be materially detrimental to these occupiers in a predominantly commercial location. There are a number of evening and night uses in the Parkgate area and this use will cause any additional disturbance.

The Transportation Unit have not raised any objections to the proposal from a highway safety perspective.

There are no changes to the external appearance of the store or any additional changes to the operational working of the business.

On this basis the application is therefore recommended for approval subject to the amended condition.

Conditions

01

The use hereby permitted shall only be open to customers between 07:00 hours Monday to 23:00 hours Saturday & 08:00 to 18:00 hours on Sundays. Deliveries to the site shall remain the same as previously approved under RB2012/1336 and shall be between 0700-2200 Mondays to Saturdays and 0800-1800 hours on Sundays.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

02

The 1115 square metre building shall be used for the sale of food and convenience goods only and for no other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason

To prevent the foodstore that would serve the local community from being used for a non-food retail warehouse.

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.