

## PLANNING REGULATORY BOARD

Date:- Thursday, 20 April 2017    Venue:- Town Hall, Moorgate Street,  
Rotherham. S60 2TH  
Time:- 9.00 a.m.

### AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)  
*(A form is attached and spares will be available at the meeting)*
5. Minutes of the previous meeting held on 30th March, 2017 (Pages 2 - 5)
6. Deferments/Site Visits (information attached) (Pages 6 - 7)
7. Development Proposals (report herewith) (Pages 8 - 68)
8. Report of the Assistant Director of Planning Regeneration and Culture (herewith) (Pages 69 - 75)
9. Updates
10. Date of next meeting - Thursday 11th May, 2017

### Membership of the Planning Board 2016/17

Chairman – Councillor Atkin  
Vice-Chairman – Councillor Tweed  
Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Ireland, Jarvis,  
Khan, Price, Sansome, R.A.J. Turner, Walsh and Whysall.



**SHARON KEMP,**  
Chief Executive.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING BOARD**

**MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

**1. Disclosable Pecuniary**

**2. Personal**

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

*(Please continue overleaf if necessary)*

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

Signed:- .....

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

**PLANNING BOARD**  
**Thursday, 30th March, 2017**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Jarvis, Price, Sansome, R.A.J. Turner, Tweed, Walsh and Whysall; together with Councillor Fenwick-Green (as substitute for Councillor Khan).

Apologies for absence were received from Councillors Ireland and Khan.

**72.       DECLARATIONS OF INTEREST**

Councillor Tweed declared his personal interests in application RB2017/0105 (Erection of 58 No. dwellinghouses, associated works, gardens and car parking at land at Rother View Road, Canklow for Wates Residential) and also in application RB2017/0122 (Erection of 22 No. dwellinghouses with associated external works, gardens and car parking at land at Rother View Road, Canklow for Wates Residential) because of his membership of the governing bodies of other academies/schools which are controlled by the same Academy Trust as the Canklow Woods Primary School. Councillor Tweed left the meeting and took no part in the Planning Board's debate on these matters and did not vote.

**73.       MINUTES OF THE PREVIOUS MEETING HELD ON 9TH MARCH, 2017**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 9th March, 2017, be approved as a correct record for signature by the Chairman.

**74.       DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**75.       DEVELOPMENT PROPOSALS**

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

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

- Erection of bonded warehouse and offices to replace existing warehouse, offices and repair buildings at The Green Group, Warwick Road, Maltby for The Green Group (RB2015/1530)

Mr. P. Osborne (representative of the applicant Company)

Mr. C. Addy (representative of the applicant Company)

- Erection of 58 No. dwellinghouses, associated works, gardens and car parking at land at Rother View Road, Canklow for Wates Residential (RB2017/0105)

Mrs. J. Stribley (on behalf of Canklow Community Group, expressing concerns about the provision of play areas)

Mrs. S. Rodgers (Head Teacher of Canklow Woods Primary School, expressing concerns about the impact upon school places)

Councillor R. McNeely (Ward Councillor, expressing concerns about the impact upon school places)

Councillor T. Yasseen (Ward Councillor, expressing concerns about the public consultation process and about the impact upon public services in the area)

- Erection of 22 No. dwellinghouses with associated external works, gardens and car parking at land at Rother View Road, Canklow for Wates Residential (RB2017/0122)

Mrs. J. Stribley (on behalf of Canklow Community Group, expressing concerns about the provision of play areas)

Mrs. S. Rodgers (Head Teacher of Canklow Woods Primary School, expressing concerns about the impact upon school places)

Councillor R. McNeely (Ward Councillor, expressing concerns about the impact upon school places)

Councillor T. Yasseen (Ward Councillor, expressing concerns about the public consultation process and about the impact upon public services in the area)

(2) That applications RB2017/0097, RB2017/0103, RB2017/0105, RB2017/0112, RB2017/0116 and RB2017/0122 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3)(a) That, with regard to application RB2015/1075, the Council shall enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing a financial contribution of £140,000 towards the provision of affordable housing in the area.

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

(4) That the Planning Board declares that it is disposed to grant planning permission in respect of application RB2015/1530 on the grounds that the proposed development will be beneficial for the local economy, generating significant additional jobs within the area, on a site that is already occupied by the applicant Company and these amount to the very special circumstances to justify the inappropriate development in the Green Belt; the power to agree the detailed reasons for the granting of planning

permission in respect of this application, including the conditions to be attached to such permission, was delegated to the Planning Officer in consultation with the Chairman and the Vice-Chairman of the Planning Board and details shall be reported to a future meeting of the Planning Board, prior to finalising the reasons for approval; in addition, this matter shall be referred to the Secretary of State for Communities and Local Government as a departure from the Development Plan.

(5)(a) That, with regard to application RB2017/0111, the Council shall enter into a Legal Agreement for the purposes of securing:-

- a financial contribution of £2,342 per open market dwelling (83 x £2,342 = £194,386) towards the provision of education;
- a financial contribution of £40,000 towards the improvement of existing green space, primarily for the purposes of children's play within the Maltby area; and
- a financial contribution of £500 per unit towards the provision of sustainable transport measures;

(b) That, consequent upon the satisfactory signing of the Legal Agreement, planning permission be granted for the reasons adopted by Members at the meeting and subject to the conditions set out in the submitted report.

(Councillor Tweed declared his personal interests in application RB2017/0105 (Erection of 58 No. dwellinghouses, associated works, gardens and car parking at land at Rother View Road, Canklow for Wates Residential) and also in application RB2017/0122 (Erection of 22 No. dwellinghouses with associated external works, gardens and car parking at land at Rother View Road, Canklow for Wates Residential) because of his membership of the governing bodies of other academies/schools which are controlled by the same Academy Trust as the Canklow Woods Primary School. Councillor Tweed left the meeting and took no part in the Planning Board's debate on these matters and did not vote)

**76. COURTESY CONSULTATION - MOTORWAY SERVICE AREA NORTH-EAST OF JUNCTION 37 OF THE A1(M) MOTORWAY, MARR ROUNDABOUT, DONCASTER**

Consideration was given to a report, submitted by the Assistant Director of Planning, Regeneration and Transport, concerning the courtesy consultation from Doncaster Metropolitan Borough Council in respect of the proposed construction of new Motorway Service Area to comprise: amenity building, lodge, drive-through coffee unit, associated car, coach, motorcycle, caravan, HGV and abnormal load parking and a fuel filling station with retail shop, together with alterations to the adjacent roundabout at Junction 37 of the A1(M) to form an access point and works to the local highway network; and the provision of landscaping,

infrastructure and ancillary works at land to the north-east of Junction 37 of the A1(M) Motorway, Marr Roundabout, Doncaster, DN5 7AS, for Moto Hospitality Limited.

The report stated that the site of this proposed development encompassed an area of approximately 37.28 acres (15.1 hectares) and comprised two fields in agricultural use, divided by the Mellinder Dike drain running north-to-south through the site. The boundary dividing the Doncaster and the Rotherham Metropolitan Borough areas (at Wath upon Dearne) lay approximately nine kilometres to the south-west of the development site.

Resolved:- (1) That the report be received and its contents noted.

(2) That the Doncaster Metropolitan Borough Council be informed that this Council has no objections to this development proposal.

**77. UPDATES**

Further to Minute No. 62 of the meeting of the Planning Board held on 16th February, 2017, Members noted that on Monday 27th March, 2017, the Secretary of State for Communities and Local Government had given his consent for the proposed development in respect of the change of use of land to a leisure resort and development of a theme park, etc., on land off Mansfield Road, Wales (applications for planning permission numbered RB2016/1454 and RB2016/1455). Consequently, construction could now begin in respect of this development.

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

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
  - (a) Members may require further information which has not previously been obtained.
  - (b) Members may require further discussions between the applicant and officers over a specific issue.
  - (c) Members may require a visit to the site.
  - (d) Members may delegate to the 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 Regeneration and Culture 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 Regeneration and Culture.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the 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.



**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 20TH APRIL, 2017**

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><b>RB2017/0113</b>  <b>Construction of a waste wood processing plant &amp; fire retained area bounded by concrete push walls, erection of buildings to form associated storage, reception/ administration, security, and staff welfare area, formation of impermeable surface to form a lorry parking/waiting area, weighbridge and staff parking area together with associated highways and drainage works (Class B2/B8) at Land at North Drive Northfield for Stobart Group</b></p>	<p><b>Page 34</b></p>
<p><b>RB2017/0404</b>  <b>Erection of building for purposes B1, B2, &amp; B8 with associated access, parking and servicing, landscaping and other infrastructure at land at Whittle Way Catcliffe for Harworth Estates Investments Limited</b></p>	<p><b>Page 51</b></p>

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 20TH APRIL, 2017**

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.

<b>Application Number</b>	<b>RB2015/1530</b>
<b>Proposal and Location</b>	Erection of bonded warehouse and offices to replace existing warehouse, offices and repair buildings at The Green Group Warwick Road Maltby S66 8EW
<b>Planning Board Resolution</b>	<p>A. That the application be referred to the Secretary of State (National Planning Casework Unit) under the Town and Country Planning (Consultation)(Direction) 2009, being inappropriate development in the Green Belt.</p> <p>B That subject to the National Planning Casework Unit not calling in the application for determination, the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

The application was originally reported to Planning Board on 30<sup>th</sup> March 2107 (see Appendix 1). Members will recall that they resolved to overturn the recommendation and grant planning permission.



**Reasons for Grant:**

Members considered that the proposed development will be beneficial for the local economy, generating significant additional jobs, on a site that is already occupied by the applicant, and that these amount to the very special circumstances to justify the inappropriate development in the Green Belt. Other matters could be addressed by way of suitable planning conditions.

**Conditions:**

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)  
Drawing No. GG1-1 Site Plan

Drawing No. SEA/732/005 Rev B dated Feb 2017 – Landscape Plan with red edge boundary.

Drawing No. SEA/732/008 – Section through site.

Drawing No. SEA/732/002 – Proposed Floor Plan.

Drawing No. SEA/732/003 – Proposed External Elevations.

Drawing No. SEA/732/001 – Existing and Proposed Site Layout Plans.

Reason

To define the permission and for the avoidance of doubt.

03

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

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

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

04

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

Reason

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

05

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

06

Landscaping of the site as shown on the approved plan (drawing no SEA/732/005 Revision B and supporting specification document) 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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

07

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

08

Prior to commencement of over ground development details and locations of the following shall be submitted to and approved in writing by the Local Planning Authority –

- two bat roost boxes to be erected either on existing trees or on poles;
- six bird nest boxes for a variety of small bird species;
- two log piles around the edges of the site to provide refugia and hibernacula for amphibians and reptiles; and
- two insect homes will be created in the new planting area to provide shelter for a variety of insects.

The approved details shall be provided on site prior to the development being brought into use.

Reason

To enhance biodiversity at the site in accordance with Core Strategy Policy CS20 Biodiversity and Geodiversity.

09

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

Reason

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

10

No part of the land other than that occupied by buildings shall be used for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design

11

No above ground development shall begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

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

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

12

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

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

13

No above ground development shall begin until a Flood Risk Assessment based on existing flood risk, proposals to mitigate flood risk and sustainable drainage principles for the development, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution', and the Environment Agency Flood Maps.

14

A Phase II Intrusive Site Investigation should be undertaken at the application site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The Investigation should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 – 4).

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.

15

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 new build. If gas protection measures are required for the site, these will need to be agreed in writing 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.

16

Subject to the findings of Condition 14 above, a Remediation Method Statement shall be provided and approved by this 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. 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 Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

17

Prior to development if subsoil / topsoil are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented within a Verification Report.

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.

18

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.

Informative

No vegetation clearance should be undertaken during the bird nesting season which extends from March to September each year. Any clearance to take place during this time must be preceded by a nesting bird survey carried out by an experienced ecologist and any nests found must be left undisturbed until the young have fledged.

The Himalayan balsam will be cut back before it has a chance to seed and spread further. Personnel will be briefed about the plant and how to avoid it spreading.

**POSITIVE AND PROACTIVE STATEMENT**

The development represents inappropriate development that has an impact on the openness of the Green Belt though Planning Board Members considered that there are very special circumstances to justify the harm caused such that the proposals are in accordance with the Development Plan and the principles of the National Planning Policy Framework.



## **APPENDIX 1**

**Below is the original report which was presented to Planning Board on 30<sup>th</sup> March 2017 - This application was presented to Planning Board as it does not fall within the Scheme of Delegation for major operations.**

### **Site Description & Location**

The site to which this application relates is off Warwick Road, Maltby and accessed via a private road.

The overall site is bisected by the internal access road and contains an open hardstanding area used primarily for car parking adjacent to its western boundary with Hellaby Brook, which has further been enclosed by a 2 metre high bund adjacent to the former railway line which is a heavily screened tree boundary. A larger expanse of open hardstanding to the north is currently being used for storage of trailer backs and HGV tractor units, and to the east of the access road is the single storey brick built office and associated tarmac parking area. To the south of the site (and east of the access road) is located a brick built 1½ and 2 storey building used as store / maintenance shed incorporating additional office space with a large expanse of hard standing created which has further been enclosed by a 1.5 metre high bund to its south and east boundaries. The site boundaries beyond all the bund areas are enclosed by metal post & mesh fencing and access to the site is controlled via security gates.

The site area is 2.1hectares.

### **Background**

The overall site in this location has been subject to the extraction of clay and associated manufacture of bricks for over 100 years and has a number of planning applications relating to the brickworks and minerals extraction dating from the 1950's to 2000. The latest mineral extraction permission was granted in 1979 and permitted the extension of workings to the north and north west of the original quarry (RB1978/0322) and at the same time sought to co-ordinate restoration of the various earlier incremental planning permissions under one comprehensive progressive scheme of site restoration. Condition 4 of this permission required a scheme for the restoration of the whole site and such a scheme for the restoration to an agricultural after-use at original ground levels (by allowing the importation of waste) was approved in 1983.

An application to review mineral conditions (ROMP) imposed by all the previous Minerals Planning Permissions was granted conditionally in July 2001 (RB2000/0822). An appeal against conditions set out by the Council in this was allowed in 2002.

Under reference RB2002/0090 the site was granted permission on 24 October 2004 for use of part of former brickworks as a railway contractor's depot, extensions to workshop to provide fabrication bay (retrospective) and stores, and extension to offices. The applicant at the time was DMQA Technical Services (UK) Ltd.

Condition 1 of the approval states that:

“Notwithstanding the provisions of any General Development Order or the schedule of the Town and Country Planning (use classes) Order, 1987, the premises shall be used

as a railway contractors depot only and for no other purpose without the prior permission of the Local Planning Authority.

Reason:

The premises are not considered suitable for general use for reasons of its Green Belt allocation.”

Condition 3 of the approval further stated:

“No part of the land other than that occupied by buildings shall be used for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

Reason:

To prevent the land from becoming unsightly in the interest of visual amenity.”

It is understood that the occupiers of the current application site commenced activities within the last 10 years, and have used the former railway contractor’s building as offices. They subsequently erected a steel portal frame warehouse building and a retrospective application for the building (RB2013/0681) was refused on 12 July 2013 as the site is located within the Green Belt and no very special circumstances were submitted to justify the inappropriate development and its impact on the openness of the Green Belt. In addition, insufficient information had been submitted to properly assess the impact of the development on trees close to the building and in respect of contamination and landfill gas migration. An Enforcement Notice was served in March 2016 and gave a year to comply with the requirements to demolish the building, in the hope that a revised application could be submitted and considered which addressed the issues set out in the planning refusal notice.

## **Proposal**

The proposal relates to a substantial storage building, with a floor area of approximately 10,950sqm, as opposed to the existing buildings on site, that have a combined floor area of approximately 2,130sqm, sqm however 702sqm of this are unauthorised.

The breakdown of the internal floorspace is proposed to be 1,350sqm of office floorspace, and 9,600sqm of storage and distribution floorspace. The building is proposed to be constructed from green profile cladding and glass panels, with corrugated roof sheeting.

The application form states that the proposal will provide for 160 car parking spaces and 90 lorry parking spaces.

The application form states that the site currently employs 105 full time employees and 10 part time employees, and that the proposed development would provide full time employment for 290 and part time employment for 25.

The operation is proposed to be 24hours a day.

The red line boundary on the site plan does not include part of the area shown for lorry parking, and the agent has confirmed that this area would be for additional parking if required.

The application was submitted with the following supporting documents:

**Design and Access Statement** – This states that the design of the building has been largely determined by the spatial requirements of the applicants and the need to erect a larger building to service their numerous and regular client base. It has been designed simply, and whilst it will be visible from outside the site, the dark colours and the topography and trees will screen the building. The existing access is to be maintained, however internal manoeuvring arrangements will be altered to take into account the new building.

**Transport Assessment** – This states that only a moderate increase in traffic associated with the development is likely and it is considered that the existing highway network does not need to be upgraded or altered.

**Ecology Report** - This states that Hellaby Bridge Brickworks is a Regionally Important Geological Site and lies adjacent to the survey area; no badger setts or badger field signs were identified within the surveyed area; no watercourses lie in close proximity to the survey area; no bats were recorded emerging from buildings and the overall level of bat activity over the site was very low and no large trees or other roosting potential was identified in site; vegetation on site would provide suitable habitat for various species of birds during the nesting season; there is little suitable habitat on the site for reptiles, red squirrels or dormice.

**Tree Survey** – This confirms that there are a number of trees on the application site, however the only trees that are proposed to be removed as part of the development are a group of self-set trees shown as Group G1, which contains mixed trees of between 10cm and 25cm. Few are reasonable specimens and others are multi stemmed and in need of thinning out even if retained. It is considered their removal would not materially affect the character or the visual amenity of the area. Trees close to the western and southern boundaries of the site are to be retained.

**Air Quality Assessment** – This states that the site is not identified as falling within an Air Quality Management Area. It is therefore deemed that in this particular case detailed Air Quality Assessment is not required.

**Flood Risk Assessment** – This states that the site lies in Flood Zone 1: Low probability of flooding. The proposal will incorporate measures to reduce the existing 1 in 1 year storm water run off by 30% and safeguard downstream receptors by designing all underground sewerage to a storm return period of 1 in 100 years plus 30%, and SUDS. A very small section of land is identified within Flood Zone 3, however this land falls outside the area of the site to be developed, and so no specific measures are required.. The floor level of the building will be set higher than ground level.

**Noise Assessment** – This states that proposed activities are the same as those already being undertaken at the site. Vehicle engines would be the main source of noise, however the building would be insulated and there is no perceived detriment to the amenity of the amenities of surrounding occupiers.

**Geotechnical and Geo-Environmental Report** – This states that there is potential for encountering contamination on the site due to its industrial history, however it is anticipated that the majority of the proposed site will be hard covered, and therefore contaminant/receptor pathways will be blocked. It recommends that prior to development further investigation is undertaken.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Green Belt purposes in the UDP. This allocation is retained in the Rotherham Local Plan 'Publication Sites and Policies.' For the purposes of determining this application the following policies are considered to be of relevance: A section of the site is designated as a Regionally Important Geological Site.

Core Strategy policy(s):

CS 3 Location of New Development

CS4 Green Belt

CS9 Transforming Rotherham's Economy

CS14 Accessible Places and Managing Demand for Travel

CS19 Green Infrastructure

CS20 Biodiversity and Geodiversity

CS24 Conserving an Enhancing the Water Environment

CS27 Community Health and Safety

CS28 Sustainable Design

Unitary Development Plan 'saved' policy(s):

EC1.2 Inappropriately Located Industry & Business.

ENV2 Conserving the Environment

ENV2.2 Interest Outside Statutorily Protected Sites

ENV3.2 Minimising the Impact of the Development

ENV3.4 Trees, Woodlands and Hedgerows

ENV3.7 Control of Pollution

ENV4.4 Contaminated Land.

T6 Layout of Development

Sites and Policies

There are no Policies that add anything of significance over and above those in the Core Strategy and UDP.

## **Other Material Considerations**

Interim Planning Guidance - Development in the Green Belt, March 2014.

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 27<sup>th</sup> 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).”

## **Publicity**

The application was advertised in the press and a site notice was posted. One letter of support has been received from Sir Kevin Barron MP. His letter states that he is in support of the planning application for the expansion of jobs at Green Group in the Hellaby Ward and the building in what is classified as ‘Green Belt’.

He states that he has had more than one visit on this matter, one with planning officers from Rotherham Council, and was assured by the applicant that the application would not interfere with the trees on the site. Furthermore, the company would expect additional jobs of potentially over 150, which will be spread over warehousing and transport, ideally suited for the lower skilled workforce. This has good potential to reduce unemployment in places like Maltby and Hellaby.

He states that he understands that because of the status of the land, notwithstanding its industrial past, this application would have to be referred to the Secretary of State as a departure from the Development Plan if Members were looking to support the proposals, and he would be more than happy to support this.

The applicant has requested the Right to Speak at Planning Board.

## **Consultations**

RMBC - Transportation and Highways Design: Have assessed the TA submitted with the application and they confirm that the impact on the highway network in the area will be minimal. Accordingly, they have no objections to the proposal from a highway/transportation aspect subject to recommended conditions.

RMBC - Tree Service Manager: The main impact on existing trees will be the loss of the small copse of trees that appears to have been planted rather than just self-set as reported in the Design and Access statement. Collectively, they provide useful screening to and from the site and associated benefits. However, it appears some of the trees have been severely pruned in the past to provide adequate clearance from the overhead power cables and this will reduce their future prospects. Also, it does not appear the area is overlooked by the public. For this reason it is doubtful that they provide valuable and important amenity to meet all the criteria for inclusion in a new Tree Preservation Order to ensure they are retained. If the removal of the trees is accepted it is recommended that new trees and shrubs are planted along the boundary to provide future amenity and screening.

RMBC - Landscape Design: The revised landscape proposals submitted are considered sufficient to mitigate for the loss of existing vegetation as far as it is considered to be a Green Infrastructure asset under Core Strategy Policy CS19. The proposal is considered satisfactory in terms of Landscape & Green infrastructure policy requirements.

RMBC – Drainage: The information currently provided falls well short of what we should have for a full application and it is not considered that their current proposal is feasible in its current form. However it is not expected that this would be a difficult problem to overcome, either in practical or planning terms, with some minor changes and use of conditions.

RMBC – Ecologist: Was satisfied that most of the issues raised initially had been answered by the ecological consultants in the first revision of their report submitted in May 2016. The main outstanding issue was the provision of a Phase 1 Habitat map (which has now been provided) and a commitment regarding the retention of boundary trees, more tree planting and a larger wildflower grassland. There are no issues with the revised landscaping proposals. The application is considered acceptable provided that the recommendations in the ecological report are adopted and the other commitments regarding ecology (mentioned in the agent's supporting letter) are also adopted.

RMBC - Environmental Health: They do not consider any significant loss of amenity by virtue of noise or air pollution.

RMBC - Land Contamination: Historically, the application site has been occupied by an engineering works and depot, with railway lines running along the western edge of the site. The land to the immediate north was formerly occupied by the Maltby Brickworks Site, with associated clay pits extending to the north, east and south. The clay pits are shown to extend up to the eastern perimeter of the site.

The application site is located within 225m of an active gassing landfill (a former clay pit) site located to the north east of the application site. The landfill site is known to have accepted a mix of wastes including household, commercial, industrial, clinical and special waste types which have given rise to the generation of landfill gas and leachate (contaminated liquid).

At present 3 large buildings occupy the application site comprising of a warehouse, offices and a vehicle repair workshop. A lorry washing facility is also located in the north east of the site. Two above ground tanks (one diesel tank, one unknown tank) are also reported to be present to the rear of the office buildings. The remainder of the site comprises a mixture of open hardstanding, macadam surfaced car parks, scrubland and wooded areas.

The surrounding land comprises of the former Brickworks and clay pits to the north/north east and undeveloped land to the east. An industrial estate is located to the west of the application site and a woodland area is located to the south.

Given the site's current, historic and surrounding land uses it is considered that potential contamination may exist within the ground and groundwater at the site. For the above reasons intrusive site investigations should be undertaken to investigate the ground/groundwater conditions, to determine the extent and depth of contamination and the potential risks posed by any contamination and hazardous ground gases on the end users of the site. Remediation works may be required to ensure the site is suitable for its proposed commercial/industrial end use. These matters can be addressed by way of conditions.

Environment Agency: No comments regarding flooding as the site is within Flood Zone 1. With regard to groundwater and contaminated land they consider the controlled waters at the site are of low environmental sensitivity and therefore have no objection in this regard either.

SYMAS: Confirm that the application has adequately considered the geological and mining legacy position for the site via the geotechnical report, there are therefore no objections.

Sheffield Area Geology Trust (SAGT): Have made no comment on the application.

SYAS: There are no archaeological concerns over the proposed development, and therefore no objections.

### **Appraisal**

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

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

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

- The appropriateness of the proposal within the Green Belt and the impact on the openness of the Green Belt
- Location of the development
- Design of the development
- Amenity issues
- Drainage and flooding issues
- The impact on traffic and highway safety.
- The impact on landscaping and ecology
- Very special circumstances to overcome harm.

### The principle of development in the Green Belt

The application site is within the Green Belt and there is a presumption against inappropriate development within the Green Belt which is, by definition harmful to the Green Belt and its openness.

Core Strategy Policy CS4 'Green Belt' states: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

Paragraphs 89 and 90 of the NPPF set out criteria for forms of development that are not inappropriate in the Green Belt, though the erection of a warehousing building is not

included within these exemptions and, therefore, constitutes inappropriate development in the Green Belt.

Paragraph 79 of the NPPF states 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

Paragraph 80 of the NPPF sets out the 5 purposes that the Green Belt serves, including checking the unrestricted sprawl of large built up areas, preventing neighbouring towns from merging, and to assist in safeguarding the countryside from encroachment.

The proposal is for a very large bonded warehouse, which is significantly larger than the existing buildings on site, a 766% increase in floor space above the authorised buildings on site (bearing in mind that an existing warehouse building is unauthorised and should be demolished to comply with a current Enforcement Notice). The Councils Interim Planning Guidance – 'Development in the Green Belt' notes that any development in the Green Belt should have a minimal effect on the openness and appearance of the Green Belt. The physical effect buildings and structures have on the Green Belt depends on factors (size, design, position & screening, enclosures, and lighting) and by considering each of these factors, the physical effect a development has on the Green Belt can be reduced.

Taking account of the above and notwithstanding the wider clay extraction (which is due to be reclaimed and the land re-graded by 2025), the immediate locality is one that can be described as being free from permanent development and is an important gap between the settlements of Hellaby & Maltby. The landscaping of the site and its immediate environs contributes to the open character of the locality which represents undulating topography. Although the building has been designed to be as unobtrusive as possible (coloured in an appropriate finish and set down from adjacent land where possible) its presence, in terms of its significant size and mass taking up much of the application site, is considered to be of significance and any limited landscaping around the periphery of the site could only give minimal screening.

On 10th March 2017 the Inspector released the Main Modifications to the Sites and Policies Local Plan following the Examination in Public, and it is noted that no comment was made in relation to this site. It is therefore assumed that the allocation in the Local Plan is to remain as Green Belt despite representations being made through this process.

With this in mind it is therefore concluded that the proposal represents inappropriate development that would have a significant impact on the openness of the Green Belt, for this reason very special circumstances should be demonstrated to justify the harm caused by way of the inappropriateness, and any other harm. These are discussed in more detail below.



### Location of the development

Core Strategy Policy CS3 Location of New Development sets out a range of sustainability criteria against which windfall developments should be assessed. Each point is addressed below –

- a. status as previously-developed (brownfield) land. – Part of the site, containing the existing buildings, is considered to be a brownfield site, the remainder (particularly the copse of trees) is not.
- b. proximity as prospective housing land to services, facilities and employment opportunities - Whilst the site is reasonably close to existing housing and employment uses this proximity is offset by the more remote nature and context of the site and its access.
- c. access to public transport routes and the frequency of services. - As part of a wider site (LDF411), this site has been assessed as a potential allocation in the Local Plan. Sites have been assessed by SYPTTE through their LUTI model. This rated the site red, where sites fall outside the acceptable walking distance to the public transport network and are likely to require intervention to unlock development. However, this relates to the site as a whole, and the current application site is located closer to Rotherham Road than other parts of the overall site at the rear and it is considered that the site is close enough to public transport provision on Rotherham Road.
- d. potential to relieve deprivation- The site could generate new employment opportunities which could help address deprivation. However this is also true of other allocated employment sites within the borough.
- e. quality of design and its respect for heritage assets and the open countryside - The proposed development is larger than the existing built development and likely to have a greater impact
- f. effect on other environmental matters - To be assessed through other planning policies below.
- g. potential to maintain and create links to green infrastructure - To be assessed through other planning policies below.
- h. potential to benefit from, support and improve existing infrastructure - It is not considered that the site would have any perceivable impact on existing infrastructure
- i. ability to limit the loss of best and most versatile agricultural land (Grades 1,2 and 3a) - No impact on agricultural land
- j. contribution to the creation of mixed and balanced communities - The site could generate new employment opportunities which could help address deprivation. However this is also true of other allocated employment sites within the borough.
- j. ability to avoid, or suitably reduce the risk of, flooding - To be assessed through other planning policies below.

Taking into account the above criteria it is not considered that the sites performance is sufficiently positive as to accord with Policy CS3 Location of New Development.

Furthermore Core Strategy Policy CS9 Transforming Rotherham's Economy states that its economic performance and transformation will be supported by a list of criteria, the relevant ones being listed below -

1. Allocation of sufficient land in the Sites and Policies document to meet Rotherham's employment land requirement of 230 hectares of land for business

and industrial development and 5 hectares of land for office floorspace for the Plan period in accordance with the Spatial Strategy set out in Policy CS1 Delivering Rotherham's Spatial Strategy. These allocations will support employment growth in sustainable locations and meet modern economic requirements.

2. Protecting viable employment sites and supporting the regeneration and intensification of previously developed land, including proposals which safeguard the viability of established industrial and business areas through improvements to buildings, infrastructure and the environment

It should also be noted that the Council is preparing its new Local Plan which will identify sites to meet employment land requirements over the next 15 years. Additional land is proposed to be allocated for employment use in the Hellaby area; the proposed site is not one of those. As noted above, the Inspector released the Main Modifications to the Sites and Policies Local Plan following the Examination in Public, and it is noted that no comment was made in relation to this site. It is therefore assumed that the allocation in the Local Plan is to remain as Green Belt despite representations being made through this process. As such, the development of this site for commercial use would not safeguard the viability of established industrial and business areas. Therefore the proposal is not considered to accord with Policy CS9 Transforming Rotherham's Economy.

UDP Policy EC1.2 Inappropriately Located Industry or Business states that in instances where existing industries or businesses are allocated for other purposes on the Proposals Map, proposals for intensification, expansion, or redevelopment of the non-conforming uses will only be allowed if the Council considers that they would not result in an adverse effect on the amenity of the area. The supporting text to the Policy states that where possible, relocation of an existing commercial operation in the Green Belt to a more appropriate site will be the preferred long term solution for such businesses. It is considered that the proposal significantly intensifies the built form on the site as well as the use and with this in mind the proposal is considered to be contrary to UDP Policy EC1.2. Inappropriately Located Industry or Business.

### Design of the development

Paragraph 56 of the NPPF 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. Paragraph 64 adds that: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Core Strategy Policy CS28 Sustainable Design states that proposals for development should respect and enhance the distinctive features of Rotherham.

The building is proposed to be a steel portal framed building constructed from green cladding with a corrugated roof, which is generally dictated by the large size of the proposed structure.

Notwithstanding the Green Belt issues above it is considered that the modern, utilitarian design of the building achieves an appropriate standard of design having regard to Core

Strategy Policy CS28 Sustainable Design and the advice within paragraphs 56 & 64 of the NPPF.

### Amenity issues

Paragraph 109 states that the planning system should contribute to and enhance the natural local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Core Strategy CS27 Community Health and Safety states that development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development.

UDP Policy ENV3.7 Control of Pollution states that the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which:

- a) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water or ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or
- b) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries.

The application includes assessments which look at the impact on the development on air quality, noise, land contamination and drainage/flooding.

With regards to noise and air pollution, Environmental Health Section have assessed the submitted reports and concluded that the proposal would not have a significant impact on noise or air quality.

With regards to land contamination issues the Phase 1 Site Investigation Report was assessed by the Environmental Health who concluded that due to the site's current, historic and surrounding land uses that potential contamination may exist within the ground and groundwater at the site. For this reason it is recommended that if planning permission is to be granted conditions should be attached to require further intrusive site investigation works, ground gas monitoring and the submission of a Verification Report to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

As the building is located within a generally isolated locality, with the nearest residential properties located some 320 metres to the east, it is not considered that there would be any undue detriment arising from the development to impact upon existing residents through noise and distance, air or land pollution that would be considered harmful and therefore accordance with Policy CS27 Community Health and Safety, ENV3.7 Control of Pollution, and the advice within the NPPF is achieved.

### Drainage and flooding issues

Paragraph 103 of the NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.

Core Strategy Policy CS25 Dealing with Flood Risk states that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk elsewhere and, where possible achieves reductions in flood risk overall.

Policy CS24 Conserving and Enhancing the Water Environment relates to the conservation and enhancement of water environment. This includes the conservation and enhancement of water quality and the ecological value of the water environment, including watercourse corridors. The policy also makes mention of the improvement of water quality through the incorporation of Suitable Urban Drainage Systems (SUDS), or other sustainable drainage techniques.

With regards to flooding, as the site is within Flood Zone 1 there are no issues regarding this matter. The Environment Agency have also confirmed that the controlled waters at the site are of low environmental sensitivity.

With regards to drainage at the site insufficient information has been submitted with the application to allow a full assessment of the proposal even after numerous requests for the additional information. The information provided falls short of what is required for a proposal of this scale, and the current proposal does not appear feasible. However, it is considered that an acceptable drainage proposal could be provided for the site which could be secured by condition if planning permission was to be granted.

It is therefore considered that the proposal complies with policies contained within the NPPF as well as Core Strategy Policies CS24 Conserving and Enhancing the Water Environment and CS25 Dealing with Flood Risk .

#### The impact on traffic and highway safety.

Core Strategy Policy CS14 Accessible Places and managing Demand for Travel aims to, amongst other things, locate new development in highly accessible locations, which are well served by a variety of modes of travel.

UDP Policy T6 'Location and Layout of Development,' states: "In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that:

- (i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,
- (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.

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 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 should (amongst others):

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”

The access to the site is taken off Warwick Road and the submitted Transport Assessment indicates that the projected increase in traffic/staff would be approximately 33%, and for this reason the impact on the highway network and junction in the area will be minimal. If planning permission is to be granted a Travel Plan should be submitted to promote sustainable modes of transport for the employees at the site. It is further considered that the site is in a relatively sustainable location being close to the Quality Bus Corridor on Rotherham Road.

It is therefore considered that the proposal is considered acceptable in highway safety terms and complies with Core Strategy Policy CS14 Accessible Places and Managing Demand for Travel and UDP Policy T6 Location and Layout of Development

### The impact on landscaping and ecology

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural local environment by protecting and enhancing valued landscapes.

Core Strategy Policy CS19 Green Infrastructure states that Rotherham’s network of Green Infrastructure Assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, managed and maintained throughout the borough.

UDP Policy ENV2 Conserving the Environment and ENV3.2 Minimising the Impact of Development both seek to minimise any adverse impacts of developments on the environment, and aim to protect resources whilst supporting appropriate development.

UDP Policy ENV3.4 Trees Woodlands and Hedgerows seeks to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.

Core Strategy Policy CS21 Landscapes states that new developments will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the boroughs landscapes.

The application site lies within the Green Belt and also within Maltby Strategic Green Infrastructure Corridor. Whilst the existing buildings are not particularly visible, the proposed warehouse is significantly larger than the existing scale of buildings on the site. The development could appear prominent and the landscape scheme will need to address this potential visual impact.

The development will involve the loss of vegetation, in wooded/ scrubby areas identified as G1 and G2 on the landscape plan. This vegetation is considered to be both a landscape feature and a Green Infrastructure (GI) asset in policy terms. Development which will result in loss or harm to landscape features and/ or GI assets will require a suitable scheme of landscape mitigation to be prepared.

With regards to trees on the site there is no objection to the removal of the trees in the south western corner which appear to be heavily pruned. However whilst the proposal

shows replacement planting to compensate for the loss of trees and to provide screening, it is noted that these trees appear to be shown outside the application site boundary, and could therefore not be secured as part of the planning application. It is not considered that there is sufficient room within the application site for tree planting/landscaping along the eastern and southern boundaries to provide sufficient and meaningful screening.

For the above reason, it is not considered that the landscape proposals submitted are sufficient to mitigate for the loss of existing vegetation and to provide screening for the proposed development. Therefore the proposal is considered to be contrary to Core Strategy Policies CS19 Green Infrastructure, CS21 Landscapes and UDP Policies ENV2 Conserving the Environment, ENV3.2 Minimising the Impact of Development and ENV3.4 Trees Woodlands and Hedgerows.

It should be noted that if the tree planting along the eastern and southern boundaries as shown on the landscape plan was to be within the planning application site boundary, the landscaping scheme would be considered acceptable.

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

Core Strategy Policy CS20 Biodiversity and Geodiversity states that the Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

UDP Policy ENV2.2 Interest Outside Statutorily Protected Sites states that proposals which would adversely affect, directly or indirectly, any significant geological feature will only be permitted where it has been demonstrated that the overall benefits of the proposed development clearly outweigh the need to safeguard the interest of the site/feature.

An Ecology Report was submitted with the application and additional information has been submitted in addition to the original report after a request from the Local Planning Authority. Survey work carried out included searches for badgers, water voles, otters, bats and bat roosts; reptiles; dormice; red squirrels and great crested newts. Searches were also done of watercourses and water bodies for crayfish.

The survey results showed that there were no badgers or sets on site. No watercourses were identified on site to provide habitat for otters, water voles or crayfish. The site itself provides low value foraging habitat for bats, although the vegetation and areas surrounding the site provide potentially ideal habitat. There is little habitat present on site for reptiles or for red squirrels or dormice.

In relation to great crested newts, the adjacent site (Ibstock) obtained a great crested newt mitigation licence from Natural England in 2010. The licence enabled the great crested newt population present on the old quarry site and in the water-bodies to be trapped and relocated into a designated, receptor site. There is a permanent amphibian fencing erected along a corridor of very poor great crested newt terrestrial habitat. The

poor habitat and the amphibian fence prevent amphibians entering onto the very poor terrestrial habitat present on the application site. In conclusion whilst there is a medium population of great crested newts close to the application site, the mitigation measures that have been put in place on the adjacent site provide a high quality great crested newt and amphibian receptor area separate from the proposed development areas by a strip of poor terrestrial habitat and the line of permanent amphibian fencing.

The Councils Ecologist has no objections to the proposal subject to recommendations included within the report being implemented on site. These would include biodiversity enhancements which include native planting; wildflower grassland areas; bat roost boxes; bird nesting boxes; log piles for amphibians and invertebrates, and insect homes.

A small part of the application site forms part of the much larger designated Regionally Important Geological Site. This part of the site is currently an area of planted trees, and it is considered that the important geological site relates to land outside of the application site and forms the exposed quarry face to the authorised clay extraction within the wider site to the east. Therefore it is not considered that there are any geological implications associated with the proposed development.

It is therefore considered that the proposal is in accordance with Core Strategy Policy CS20 Biodiversity and Geodiversity, UDP policy ENV2.2 Interest Outside Statutorily Protected Sites and guidance in the NPPF.

#### Very special circumstances

The NPPF notes at paragraph 87 that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 88 states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

The applicant’s agent has provided information intended to demonstrate the very special circumstances for development within the Green Belt which are now discussed in further detail.

It is considered that the proposed development would be most appropriately located on land allocated for business and industrial use. This is reflected in Saved UDP Policy EC1.2 Inappropriately Located Industry or Business which states that in instances where existing industries or businesses are allocated for other purposes on the Proposals Map, proposals for intensification, expansion, or redevelopment of the non-conforming uses will only be allowed if the Council considers that they would not result in an adverse effect on the amenity of the area. The supporting text to this policy recognises that some longstanding businesses are located in the Green Belt but notes that where possible, relocation to a more appropriate site will be the preferred long term solution for such businesses.

The applicant indicates that a search assisted by RIDO resulted in only two alternative options. One of these sites is at Dinnington and is partly discounted by the applicant due to it being further away from the motorway network than the applicant’s site. It is not

considered that this is a reasonable reason to discount a site, particularly when previously the business model has been successfully operated with a warehouse at Worksop, some distance away.

There are sites allocated for such use within Rotherham which remain undeveloped and of sufficient size to accommodate the proposed development. The following are UDP sites over 5ha (other sites below this size are also available):

- E7 Manvers – Station Road – 5.5ha
- E16 Aldwarke – Stadium Land – 14.27ha
- E19 Aldwarke - Yorkshire Water Land – 10.07ha
- E32 Templeborough – London Scandinavia land – 6.65ha
- E39 Waleswood – 8.85ha
- E42 Dinnington – 9.10ha
- E46 Dinnington – 8.57ha
- E81 – Meadowbank Road – 5.75ha

In particular, significant areas of land remain available for development in the south of the borough at the former Dinnington Colliery, which also enjoys good access to the main road network.

Finally, the Sites and Policies Local Plan proposes a large employment site (E24) on land currently within the Green Belt on land directly adjacent to J1 of the M18 (between the motorway and Cumwell Lane). The Inspector's Main Modifications letter referred to above does not raise any comment in respect of this proposed allocation and as such this site would become available (subject to no further amendments to the proposed allocation) for commercial development once the Plan is adopted (expected end of 2017).

It is not, therefore, considered that there is a lack of alternative, suitable sites that could be considered as the 'very special circumstances' required by Green Belt policy.

The applicant also states that should development not be approved at the application site, the only alternative option for the business would be to relocate outside of the Borough. As previously indicated above, it is considered that there are sufficient sites allocated for employment use around the Borough which could accommodate the proposed development.

The proposal indicates that up to 100 extra jobs may be created. Indeed, it is noted that Sir Kevin Barron MP has written a letter of support for the application due to the proposed additional jobs that would be created in the local area. Whilst this is broadly supported having regard to Policy CS9 Transforming Rotherham's Economy, there is no evidence that a similar increase in employment could not be achieved in locating development on alternative sites not located within the Green Belt. As such, whilst job creation is a material consideration, it is not considered that this amounts to the 'very special circumstances' that outweigh the allocation of the site within the Green Belt and the impact of the large warehouse building on its openness.

It is also noted that the business model proposed is based on development on land owned by the applicant, however the applicant has long been aware of the location of the site within the Green Belt. Indeed, the original application for the smaller warehouse building erected on site without planning permission was refused in July 2013. Land



ownership is not considered to represent the very special circumstances required by NPPF to justify development within the Green Belt.

The applicant seeks to draw comparisons between the previous permission on this site and the present proposal. With respect to the 2002 permission this related to a small extension and is not comparable in scale or nature to the proposed development. It is noted that the proposed development is substantially larger than the existing built development (including that development for which planning permission was refused in 2013).

In summary, it is not considered that the information submitted has demonstrated that the benefits arising from the development would outweigh the concerns raised above, or that the applicant has demonstrated the very special circumstances to justify the inappropriate development within the Green Belt.

### **Conclusion**

The proposed building represents an increase in floorspace of approximately 766% over and above that authorised at the site, which would have a significant impact on the openness of the Green Belt in this location and would, therefore, represent inappropriate development in the Green Belt. It is not considered that any of the submitted information put forward represent a very special circumstance to justify the inappropriate development proposed. No other very special circumstances have been put forward to overcome the inappropriate nature of the development and the harm by way of its impact on the openness of the Green Belt in this location. It is considered that the proposed employment use would be better located on land allocated for employment within the Borough and not on this Green Belt site.

The design of the building is considered appropriate taking into account the substantial size of the building proposed.

Issues relating to noise, air pollution and land contamination have been addressed and the proposal is considered acceptable with regards to these issues. Turning to drainage issues at the site, whilst insufficient information has been submitted with this application, it is considered that a suitable drainage scheme could be designed to ensure the effective drainage of the site.

With regards to traffic and transportation issues, it is not considered that the proposal would have a significant adverse impact on the local highway network or junction, and there are no objections in this respect.

A significant amount of proposed tree planting is outside the red edge application site, and for this reason the proposed landscape scheme is considered unacceptable. Surveys have been undertaken which show that the proposed development would not have an adverse impact on biodiversity or geodiversity interests at or adjacent to the site, and mitigation is proposed in this regard.

For the above reasons it is therefore recommended that planning permission is refused.

### **Reasons for refusal**

The Council considers that the proposal would result in inappropriate development that would have an adverse impact on the openness of the Green Belt in this location. The applicant has failed to demonstrate any very special circumstances to justify this inappropriate development and the harm caused to the openness of the Green Belt, and any other harm. As such the proposal is considered to be contrary to Core Strategy Policy CS4 'Green Belt' along with the guidance contained in the National Planning Framework (NPPF).

02

The Council considers that there are other sites which are suitable and available within the Borough for the proposed development which are allocated for employment use on the UDP Proposals Map. As such the proposal is considered to be contrary to Core Strategy Policies CS3 Location of New Development and CS9 Transforming Rotherham's Economy and UDP Policy EC1.2 Inappropriately Located Industry or Business.

03

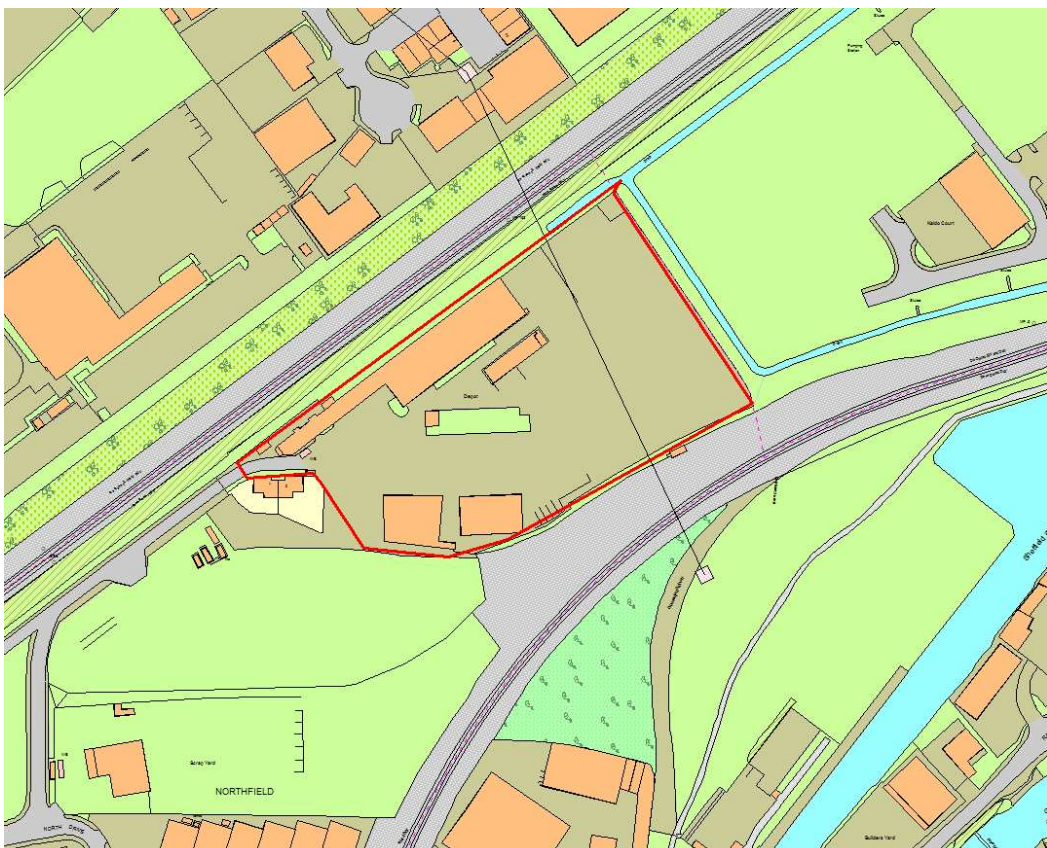
The Council considers that the landscaping scheme is unacceptable as the tree planting proposed along the eastern and southern boundaries of the site is outside the red edge planning application site boundary and there are no guarantees that the scheme can be implemented. The proposed landscaping scheme is therefore unacceptable and as such the proposal is considered to be contrary to Core Strategy Policies CS19 Green Infrastructure, CS21 Landscapes and UDP Policies ENV2 Conserving the Environment, ENV3.2 Minimising the Impact of Development and ENV3.4 Trees Woodlands and Hedgerows.

#### 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. It was not considered that the scheme was in accordance with the principles of the National Planning Policy Framework, nor could it be amended to be so.

<b>Application Number</b>	<b>RB2017/0113</b>
<b>Proposal and Location</b>	Demolition of existing buildings and construction of a waste wood processing plant & fire retained area bounded by concrete push walls, erection of buildings to form associated storage, reception/ administration, security, and staff welfare area, formation of impermeable surface to form a lorry parking/waiting area, weighbridge and staff parking area together with associated highways and drainage works (Class B2/B8) at former Greasbrough Depot, North Drive, Northfield, Rotherham, S60 1QG
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description & Location

The site is approximately 2.32ha, and is the former Council Transport and Storage Depot. It is an irregular shaped parcel of land comprising hardstanding, buildings and scrub located on the northern outskirts of the town accessed via a private estate road, North Drive, which has a junction with Greasbrough Road, which is part of the A6123 and runs from the town centre.

The site was a previously a works depot and was used for the storage of salt and salting machines, as well as storage of refuse vehicles and other Council HGVs and vans. There are a total of 8 disused buildings on the site which were previously offices, accommodation, warehouses and storage, all of which are in a bad structural condition.

The site lies to the west of Greasbrough Road in the Northfield area of Rotherham, which is predominantly industrial. The centre of Rotherham lies approximately 1km to the south. The site is bounded to the north by a railway line which runs along an embankment along the northern edge of the site, and an industrial area beyond. To the east lies an area of undeveloped land beyond which are large commercial shed spaces, a drainage ditch and the River Don. A railway line runs along the embankment to the south east, beyond which lies the Sheffield and South Yorkshire Canal. A scarp yard and disused industrial land lies to the south beyond which lies Northfield Industrial Estate. Disused industrial land lies to the west beyond which is a railway embankment and Greasbrough Road.

## **Background**

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

RB1988/1258 – Erection of a storage building – Granted – 20/10/1988

RB1997/0646 – Alterations to existing flat to form office accommodation – Granted – 17/07/1997

RB1998/0322 – Erection of an 132kV overhead line – No objections – 14/05/1998

RB2012/0164 – Demolition of existing buildings and erection of building to form virgin chip processing plant & storage building, erection of two-storey building to form associated office block, use of land for on-site open storage of virgin logs & waste wood to a maximum height of 5 metres and siting of 2 no. weighbridges – Granted conditionally – 10/04/2012

RB2016/1722 – Application to determine whether prior approval is required of the method of demolition and restoration of the site re: demolition of 8 no. buildings – Granted – 26/01/2017

### Screening Opinion

The proposed development falls within the description contained at paragraph 11 (b) of Schedule 2 (Other Projects/Waste Treatment Plants) to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Borough 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 referred to above for which planning permission is sought is not EIA development as defined in the 2011 Regulations.

## Proposal

The applicant is seeking permission for the construction of a waste wood processing plant & fire retained area bounded by concrete push walls, erection of buildings to form associated storage, reception/ administration, security, and staff welfare area, formation of impermeable surface to form a lorry parking/waiting area, weighbridge and staff parking area together with associated highways and drainage works (Class B2/B8).

The application involves the re-use of the site as an intermediate waste wood reception, storage and pre-treatment centre for biomass energy production. This will include the storage of virgin timber, debarking, chipping and the temporary internal storage of chipped timber before it is transferred to the Biomass Energy Development in Templeborough.

The development will comprise the construction of a welfare building, workshop, processed wood storage, raw waste wood storage, processing area, parking area and associated access roads.

The site will contain the following components:

- Waste Reception – All waste feedstock materials will be delivered to site and will be directed to the external reception area for unloading;
- Unprocessed Wood Storage Area – In accordance with EA guidance the site operator will clearly segregate all unprocessed material and store it in an unprocessed form;
- Waste Processing Area – All material will be processed in a separate and dedicated area which is protected with 5m concrete fire walls.
- Processed Material Storage Areas: All processed material will be stored in dedicated bay areas in preparation for collection and export.

The site will produce approximately 150,000 tonnes per annum of prepared biomass. All incoming materials will comprise of non-hazardous mixed waste wood and virgin biomass feedstock.

The site will employ around 30 full time personnel. There will be a maximum of 20 – 25 staff on site at any time and it is proposed that the facility will be able to operate 24 hours a day. Operational requirements will require the facility to be open 5.5 days per week.

The weighbridge and gate house will be sited at the site access. The gate house will be 6m x 2.4m x 2.7m and be a portakabin building with an access door and several window openings. To the right of the access on part of the southern boundary of the site will be a welfare and lab buildings, staff car parking and HGV parking. The welfare and lab buildings will both be the same size and style of portakabin measuring 12.2m x 3.2m x 2.3m.

The remainder of the site will be used for storage and processing purposes, with the material stored externally within a Legoblock construction system.

The raw waste wood will be delivered to the site on HGV vehicles. The vehicles will then be directed to the raw waste wood storage area for discharge. The raw waste wood will then be shredded in a single pass into processed wood in the processing area

of the site. The processed wood will be stored in the processed wood storage area for collection and delivery to the power plant. All material movements on site will be carried out using mobile equipment (e.g. loading shovels). An overband magnet on the discharge belt from the shredder removes ferrous metal from the processed wood. This is moved periodically to the waste metal bay for storage and dispatched for recycling. Small amounts of general waste is also separated and stored in the appropriate bay for dispatch. A quarantine area is also on site for the rare occurrence that unacceptable material is received and requires either returning to the supplier or sent to an alternative site. All operations for wood processing will take place outside.

The processing area indicated on the site layout plan is indicative of where the shredder is to be located, and therefore where the raw waste wood is processed. The double outlined rectangles show the location of raw waste wood storage. The double outlined rectangles with lines at the corners indicate processed wood storage. The quarantine, waste metal and general waste area are open fronted bays with segregation walls for containment and separation..

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

### Design and Access Statement

The submitted statement provides information on the site, proposal, planning policies and the reports submitted in support of the application.

### Phase I Environmental Assessment

EAME Consultants have undertaken a Phase I Environmental Assessment centered on the likelihood of contamination being present either in the ground or groundwater on the site.

Several potential contaminative activities have been identified as having taken place on and off-site which may have impacted the soils and shallow groundwater. However, there is no evidence to suggest that the site is significantly contaminated. The contamination risk for the site is therefore moderate.

Once the development is complete, hardstanding will be present across much of the site, thus, breaking the pollution linkage with regards to any contamination and sensitive receptors. Standard recommendations for further work such as the carrying out of a Ground Probing Radar (GPR) Survey, asbestos survey, removal of hazardous materials via a licensed contractor, and other remedial actions are included.

### Ecology Statement

Seasons Ecology completed a desktop survey and an Extended Phase I Habitat Survey in November 2016 to identify and record the habitats on site and to assess the potential of the site to support protected and / or notable species.

The buildings on site were identified as providing potential opportunities for roosting bats and nesting birds and a bat survey was commissioned. The report stated that “no bat roosts or evidence of bat activity was recorded during the survey; therefore no impact on bat roosts or roosting bats is anticipated during the building demolition”.

The report provides specific recommendations in respect of bats including update surveys if works are delayed by a year or more and for care and vigilance during demolition works. In addition, the scheme should incorporate a sensitive lighting strategy to ensure that adjacent foraging and commuting resources remain suitable for bats, otter and water vole. The development may provide an opportunity to consider landscaping, which could enhance the site for wildlife and may also provide an opportunity for enhancement through provision of bat roosting or bird nesting opportunities.

#### Emissions Management Plan

The Management Plan (EMP) prepared by Stobart Energy describes how emissions such as dust (including wood fibres), litter and mud from the proposed solid biomass preparation facility will be managed effectively.

#### Environmental Management System

The Environmental Management System (EMS) prepared by Stobart Energy shows how the activities from the Biomass Processing Plant will be managed to minimise environmental nuisance and pollution impacts and control and prevent incidents and accidents.

#### Flood Risk Assessment & Drainage Plan

The Flood Risk Toolkit in the Report prepared by RMA Environmental shows that the site is located in Flood Zone 3a and, therefore, flood risk from rivers and the sea is considered to be high. The EA's flood map indicates that the site is also at risk from surface water and reservoir flooding. A review of further EA maps and the SFRA have identified that there are no other significant sources of flooding at the site, i.e. from sewers and groundwater.

Appendix E to the FRA clearly demonstrates that there are no other suitable sites available in locations that are less prone to flooding and thus the sequential test is met.

The FRA therefore demonstrates that the proposed development will be safe and that it will not increase flood risk elsewhere. The proposed land use is classified as "less" vulnerable development and is considered appropriate in relation to the flood risk vulnerability classifications set out in Table 3 of the NPPF.

#### Mining Risk Assessment

A Mining Risk Assessment has been prepared to quantify and assess the potential risks from underground mine workings to future developments at the site.

The site is in the category of Moderate Risk as there are coal seams at shallow depth which may have been subject to unrecorded workings and ground investigation works are recommended to mitigate against the residual risk from underground open cast mining.

#### Noise Assessment

The report identifies that the main noise sources will be from the shredders, the mobile plant and delivery noise.

The Assessment concludes that during the operational phase of the development, the noise impacts will have negligible effect on existing residential receptors due to the intervening distances to the nearest residential development.

#### Transport Statement

An assessment of local transport facilities shows that the development site is well located to promote travel on foot, by bike and by public transport.

The proposed development will generate a total of 125 HGV movements and 45 staff car trips per day for the proposed facility. The facility would only create 14 trips during the morning peak and 11 during the evening peak.

#### Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Industrial and Business purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for Industrial and Business purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

#### Core Strategy policy(s):

CS9 'Transforming Rotherham's Economy'  
CS15 'Key Routes and the Strategic Road Network'  
CS18 'Freight'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscapes'  
CS25 'Dealing with Flood Risk'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS30 'Low Carbon & Renewable Energy Generation'  
CS33 'Presumption in Favour of Sustainable Development'

#### Joint Waste Development Plan Document Policies:

WCS1 'Strategy for Achieving Sustainable Waste Management'  
WCS4 'Waste Management Proposals for Unallocated Sites'  
WCS6 'General Considerations for all Waste Management Proposals'  
WCS7 'Managing Waste in all Developments'

#### Unitary Development Plan 'saved' policy(s):

EC3.1 'Land Identified for Industrial and Business Uses'  
ENV3.7 'Control of Pollution'



## **Other Material Considerations**

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

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 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 Core Strategy and 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, and site notice along with individual neighbour notification letters to adjacent properties. No representations have been received.

## **Consultations**

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

RMBC – Drainage – Have no objections subject to conditions.

RMBC - Environmental Health – Have no objections.

RMBC - Land Contamination – Have no objections subject to conditions.

The Coal Authority: Have no objections subject to conditions.

Yorkshire Water: Have no objections subject to conditions.

Environment Agency: Have no objections.

Network Rail Eastern: Have no objections subject to conditions.

South Yorkshire Archaeological Service – Have no comments to make.

Geology (SAGT) – Have made no comments

## Appraisal

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

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

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

- The principle of the development
- Design and layout
- General Amenity Issues
- Transportation Issues
- Drainage and Flood Issues

### Principle of development

The application site is allocated for industrial and business use within the adopted Rotherham UDP and the proposal is for a B2 / B8 use. The proposal is therefore considered to be acceptable in land use terms and is in accordance with policy CS9 'Transforming Rotherham's Economy'; and 'saved' UDP policy EC3.1 'Land Identified for Industrial and Business Uses'

The proposal is also in accordance with the policies contained within the NPPF which has a presumption in favour of sustainable development, and aims to build strong, competitive economies. In this regard the proposal is considered to be acceptable in principle.

The demolition of the existing buildings as been approved through a prior approval application (RB2016/1722) but is included in the description of this development as well.

### Design and layout

The NPPF at paragraph 17 states planning should always seek to secure high quality design, furthermore paragraph 56 notes: "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." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

In addition to the above policy CS28 'Sustainable Design' of the Council's adopted Core Strategy states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings...Development proposals should be

responsive to their context and be visually attractive as a result of good architecture...Design should take all the opportunities to improve the character and quality of an area and the way it functions.”

The application proposes several portacabin style buildings on the site for the welfare, lab and weighbridge, which will be sited close to the entrance and southern boundary of the site, the remaining areas will either consist of hardstanding or open storage within three-sided storage spaces.

Whilst the welfare, lab and weighbridge buildings are of no architectural merit, they are functional buildings and appropriate forms of development for an industrial yard. Furthermore, they would not be seen from any public area as they are only visible from within the site or from the adjacent railway line.

It is therefore considered that the size, scale, form, design and siting of the buildings would not give rise to any design issues or adversely affect the appearance of the site. In addition to the above it is considered that the layout of the site represents an appropriate form of development.

It is therefore considered that in respect of design and layout the proposal would represent an acceptable form of development that would be in compliance with the NPPF and relevant Core Strategy policies.

### General Amenity issues

The nearest residential properties are approximately 320m to the south-east of the site on Erskine Road, Eastwood and there is a railway line, canal and River Don between. It is also noted that there are other commercial premises in close proximity to the site along North Drive and within the surrounding Northfield area. Having regard to this, it is considered that the proposed development would not result in any significant loss of amenity by virtue of noise and air pollution due to the site's location and distance to neighbouring properties.

It is therefore considered that there would be no significant loss of amenity by virtue of noise, air quality or land pollution impact and as such the proposal would comply with policy CS27, 'saved' UDP policy ENV3.7 and paragraph 17 of the NPPF.

### Transportation Issues

The Transport Statement submitted in support of the application has been reviewed and is considered to be a robust assessment of likely traffic impact. The calculations show that a total of 125 HGV trips plus 45 staff car trips per day are envisaged thus resulting in a total of 170 vehicle trips per day i.e. 85 in and 85 out. Netting off the trips would indicate substantially fewer trips associated with this use than those generated when the site was operated as a Council depot. The impact on the surrounding highway network is therefore considered to be minimal.

### Drainage and Flood Risk

The applicant has submitted Sequential Test evidence with this application. The site lies within Flood Zone 2, which has a medium flood risk. Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development

to areas at the lowest risk of flooding by applying a Sequential Test. Avoidance is the most effective flood risk management measure. Even when development can be made 'safe' in flood risk areas, there are always residual risks. In accordance with paragraph 103, consideration should only be given to development in flood risk areas following the Sequential Test. Development should not be permitted if there are available sites, appropriate for the proposed development, in areas with a lower probability of flooding.

It is considered that the sequential test has demonstrated that there are no preferable sites for this development and has therefore passed the Strategic Sequential Approach and the site is at low risk of flooding from rivers, and although it is at risk from surface water it is considered to be a less vulnerable site.

The Environment Agency has no objection to the proposed development and the Council's Drainage Engineer has no objections subject to suitable conditions

### **Conclusion**

Having regard to the above it is concluded that the proposal complies with the relevant paragraphs of the NPPF, relevant Core Strategy policies and 'saved' UDP policies. Therefore for the reasons detailed in this report the application is recommended for approval.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 05, 08 and 13 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 05, 08 and 13 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

17054C – 03C, received 7 March 2017  
1676/01, received 26 January 2017  
EUR-SB-S-18-60T-SR rev A, received 23 January 2017  
DQ2687 rev E, received 23 January 2017  
DQ2880 SHT 1 of 2 rev A, received 23 January 2017  
DQ2880 SHT 2 of 2 rev A, received 23 January 2017  
118053/2000 rev A, received 23 January 2017  
118053/2100, received 23 January 2017

Reason

To define the permission and for the avoidance of doubt.

Highways

03

Before the development is brought into use the on-site parking area shall be provided as indicated and thereafter maintained for car parking.

Reason

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

04

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

Coal Mining

05

Prior to commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:

- A scheme of intrusive site investigations
- The undertaking of that scheme of intrusive site investigations
- The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring
- The submission of a scheme of remedial works for approval; and

The implementation of any remedial works shall be carried out before works commence on site.

Reason

To fully assess the exact situation regarding coal mining legacy issues on the site.

## Drainage

06

No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the water main i.e. a protected strip width of (6) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

### Reason

In order to allow sufficient access for maintenance and repair work at all times.

07

The development shall be carried out in accordance with the drainage details shown on the submitted plan, "drawing 118053/2000 (initial issue) dated 20/12/2016 that has been prepared by Fairhurst", unless otherwise agreed in writing with the Local Planning Authority.

### Reason

In the interest of satisfactory and sustainable drainage.

08

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

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

### Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

09

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

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

10

Development shall be carried out in accordance with the submitted Flood Risk Assessment to mitigate on and off site flood risk. Floor levels and flood susceptible infrastructure should be a minimum of 25.0m A.O.D.

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution', and the Environment Agency Flood Maps.

11

Prior to the site being brought into use a Flood Evacuation Plan shall be prepared and submitted to the Local Planning Authority for approval.

Reason

To ensure that in the event of the site flooding there is an appropriate plan in place for the safety of employees.

Network Rail

12

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

Reason

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'.

13

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

Reason

To ensure the development does not affect the rail network.

14

Prior to the site being brought into use details of an Armco or similar barrier shall be submitted to and approved by the Local Planning Authority. The barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. The approved details shall be implemented before the site is brought into use and shall be thereafter be maintained.

Reason

In the interests of road / railway safety.

15

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

Reason

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

16

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

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Core Strategy Policy CS27 Community Health and Safety.

17

Any new lighting shall be shielded to prevent glare or any threat to highway / railway safety or detriment to amenity. All lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane unless otherwise first agreed in writing by the Local Planning Authority.

Reason

To ensure that lighting does not intrude upon issues of amenity or highway safety having regard to adjoining land uses.

### **Informatives**

01

The proposed waste treatment activity will require an Environmental Permit under the Environmental Permitting Regulations 2010, issued by the Environment Agency. The permit will include conditions, and will seek to protect the environment through the control or prevention of impacts of the permitted activity.

02



If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. The developer as waste producer therefore has a duty of care to End 2 ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

03

The developer may however wish to consider including measures to mitigate the impact of more extreme future flood events. Measures could include raising ground/ finished floor levels and/ or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>

04

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

05

All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.

06

Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

07

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

08

Network Rail's existing fencing / wall must not be removed or damaged.

09

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT Email: [assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk) for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those

works to periods when the railway is closed to rail traffic i.e. “possession” which must be booked via Network Rail’s Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

10

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, YO1 6JT Email: [assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk). The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

11

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail’s Asset Protection Project Manager before the development can commence.

12

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

13

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail’s adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail’s boundary. This will allow construction and future maintenance to be carried out from the applicant’s land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

14

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant’s land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land

or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

15

The materials contained within the site subject to the applicants control should be stored and processed in a way which prevents over spilling onto Network Rail land and should not pose excessive risk to fire. We would as that Network Rail is included in the list of emergency contacts should a fire occur as smoke drifting across the railway would obscure train drivers' line of sight.

16

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

17

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

18

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

19

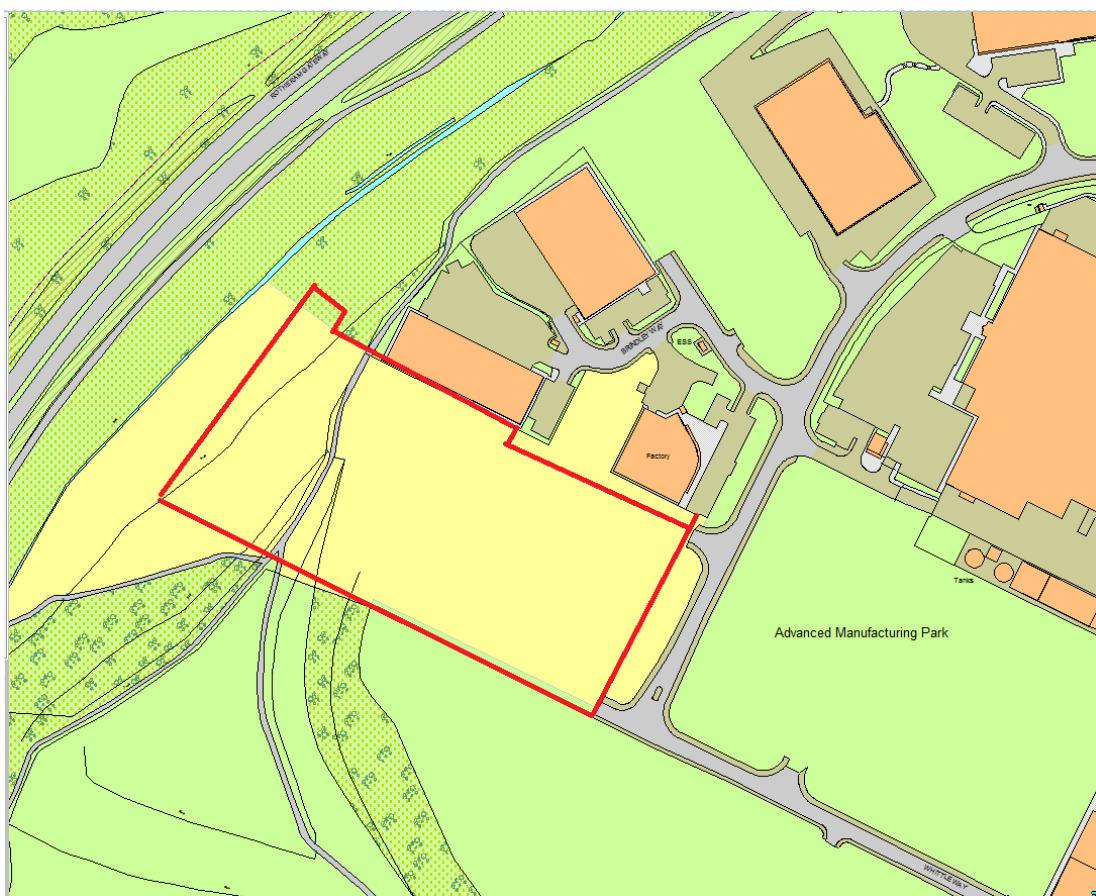
Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found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

## POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2017/0404</b>
<b>Proposal and Location</b>	Erection of building for purposes B1, B2, & B8 with associated access, parking and servicing, landscaping and other infrastructure at land at the Advanced Manufacturing Park, off Whittle Way, Waverley
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description & Location

The application site forms part of the Phase 2 development at the Advanced Manufacturing Park (AMP) at Waverley and is approximately 1.98 hectares in size. The site is accessed off an extended access road from Whittle Way. It is bounded by the A630 (Sheffield Parkway) to the west, existing employment development to the north east, and vacant development platforms and a railway line to the south.

### Background

The following applications are relevant to the application site –

RB2003/0046 - Outline application for development of an advanced manufacturing park including business uses in Class B1 & B2 with related infrastructure and landscaping. - Granted conditionally, subject to a legal agreement 06/04/2005

RB2008/0822 - Application for variation to condition 22 (highway improvements to be made to High Field Spring before 10,000m<sup>2</sup> of buildings are occupied), condition 23 (highway improvements to Poplar Way & Big W Roundabout to be made before 10,000m<sup>2</sup> of buildings are occupied) and condition 29 (bridge for footpath/bridleway over Sheffield Parkway to be provided before 10,000m<sup>2</sup> of buildings are occupied) and imposed by RB2003/0046 to allow 23,225m<sup>2</sup> of buildings to be occupied before all works are implemented, and for the variation of condition 35 (bus shelters to be provided on High Field Spring before any buildings are occupied) and imposed by RB2003/0046 to allow the bus shelters to be provided within one month after the completion of works required by condition 22, or within 12 months of the date of this planning permission, whichever is sooner - Granted conditionally 07/08/08

RB2008/1918 - Application to extend the time period for completion of the restoration of the site (variation of condition 1 imposed by RB2007/2205 which required completion by 15 May 2009) to 31 December 2010 - Granted Conditionally 19/03/2009

RB2010/1357 - Application to extend the time period for completion of the restoration of the site (Variation of Condition 1 imposed by RB2008/1918 requiring completion by 31 December 2010) to 31 December 2013 - Granted conditionally 05/09/2011

RB2016/1416 - Engineering works to form level development plateau – Granted Conditionally 17/12/2012

## **Proposal**

This is a full application submitted by Harworth Estates seeking permission for 6,968 sqm of Classes B1 (b and c), B2 and B8 floorspace along with ancillary Class B1(a) floorspace (up to 348 sqm) and associated access, parking, servicing, landscaping and other infrastructure. The development of this proposal will form the next phase of the Advanced Manufacturing Park.

The application has been supported by the following documents –

Planning Statement assesses the proposals insofar as they relate to relevant local policy and national guidance and concludes that the application accords with the Framework in that proposals represent sustainable development and provide a commitment to securing economic growth to create jobs and prosperity.

Design and Access Statement confirms that the site is easily accessible to all modes of transport and provides easy access within the site curtilage. The application provides details of associated access, parking, servicing and Indicative landscaping. The application has been prepared to be consistent with both the existing and emerging development plan for Rotherham generally and the AMP Development Plan specifically. The proposals are also in accordance with the National Planning Policy Framework as they represent sustainable development and afford a commitment to securing economic growth to create employment and prosperity

Flood Risk Statement confirms that the site is located within a wider area allocated as Flood Zone 1 on the Environment Agency's Flood Maps. There are no other significant flood risks that will adversely impact on the development proposals that are the subject of the application. The proposals will not have an adverse impact on flood risk to areas adjacent to the site or increase downstream flood risks. It is proposed to discharge surface water runoff to the surface water sewer in Whittle Way at a rate of 20 l/s during the 30 year return period event and an underground attenuation tank providing 546m<sup>3</sup> of storage will be provided to ensure there is no flooding on site during any rainfall event up to and including the 30 year rainfall return period event.

Surface Water Drainage Calculations confirms that surface water from the site shall discharge to the existing surface water drainage tail serving the site, the designer of the downstream network have confirmed the allowable discharge rate for the site for the 1:30 year event is 20 litres/second. The downstream pipe network and attenuation facility have been designed in accordance with Sewers for Adoption and have been put forward to Yorkshire Water for adoption under Section 104 agreement.

Transport Assessment assesses the impact of the proposed development on the local highway network and confirms that detailed junction analysis has been undertaken which confirms that the two access roundabouts have significant reserve capacity to accommodate demand from development of the industrial site both today and in 2022. The impact of new demand associated with the proposed development will also have a negligible impact on flow through the Higfield Spring/Highfield Lane and Poplar Way/Highfield Spring/Morrisons roundabout junctions.

Land Contamination Assessment confirms that there are no development constraints associated with risk to controlled waters nor are there any development constraints associated with soil contamination with respect to human health. The Risk Assessment has also identified potential coal mining issues which may require mitigation and consequently necessitate further assessment by intrusive investigation. This includes confirmation of the suitability of the opencast backfill (by in situ SPT tests and geotechnical modelling) and confirmation of the current ground gas regime. An updated/revised CMRA will be presented within the final Geo-environmental report on completion of all testing, monitoring and geotechnical modelling

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Industrial and Business purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS9 'Transforming Rotherham's Economy'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS21 'Landscape'
- CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

- EC3.1 'Land Identified for Industrial and Business Uses'
- ENV3.7 'Control of Pollution'

## **Other Material Considerations**

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

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 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)."

## **Publicity**

The proposal was advertised in the press, on site and via letters to adjacent occupants. No representations have been received.

## **Consultations**

RMBC - Transportation and Highways Design – have assessed the contents of the submitted Transport Assessment and Travel Plan and raise no objections to the proposed development.

RMBC – Drainage – raise no objections to the proposed development subject to conditions requiring the submission of detailed drainage details.

RMBC - Landscape Design – has confirmed that the scheme provides a high quality landscape scheme and on that basis no objections are raised subject to conditions requiring the development be carried out in accordance with the submitted details.

RMBC – Ecologist has confirmed that the conclusions of the submitted Extended Phase 1 Habitat Survey and Preliminary Site Assessment are acceptable and on that basis no objections are raised subject to an appropriately worded condition requiring the submission and approval of a Biodiversity Mitigation and Enhancement Strategy.

RMBC - Environmental Health – do not consider that the proposed development will impact on the amenity of neighbouring sensitive receptors. Accordingly no objections are raised.

RMBC - Land Contamination have assessed the contents of the Land Contamination Assessment and raise no objections to the proposed development subject to the imposition of conditions relating to the submission of an Intrusive Site Investigation Report and gas monitoring works.

RMBC – Public Rights of Way – confirm that the permissive route that runs along the rear of the proposed development area is not affected by the proposals, accordingly no objections are raised.

The Coal Authority – have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area, however the contents of the submitted Preliminary Risk Assessment, dated March 2017 and prepared by RSK Environment Limited documents the history of the site.

Accordingly no objections are raised to the proposals subject to a condition being imposed on any consent granted requiring the findings of the ground investigations and gas monitoring being carried out to be submitted to the LPA, along with details of any remedial measures which may be required

Environment Agency.raise no objections to the proposed development.

## **Appraisal**

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

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

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

- The principle of the development
- Design and Layout
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues
- Geotechnical Issues

## The Principle of Development

The application site is allocated for industrial and business use within the adopted Rotherham Unitary Development Plan. In this instance the applicant is seeking permission to erect a new unit for the purposes of B1 (b & c), B2 and B8 uses alongside ancillary office space. The proposal is therefore considered to be acceptable in land use terms and is in accordance with policy CS9 'Transforming Rotherham's Economy' and UDP Policy EC3.1 'Land identified for Industrial and Business Use'. The proposal is also in accordance with the policies contained within the NPPF which has a



presumption in favor of sustainable development, and aims to build strong, competitive economies. In this regard the proposal is considered to be acceptable in principle.

Additionally and under Part 3 Class V of the Town and Country Planning (General Permitted Development) Order, as amended an application can be submitted for a flexible permission which allows the unit to be changed to another use under the same permission without the need for a further application within 10 years from the date of the permission. The applicant could therefore use the unit for any of the uses outlined above within 10 years from the grant of planning permission, however following its continuous use for any single one of the uses for a period of 10 years or more, planning permission would be required for a change of use.

### Design, Layout and Visual Amenity

Core Strategy Policy CS28 'Sustainable Design,' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The NPPF at paragraph 17 states that as one of its core planning principles that: "planning should always seek to secure a high quality design." Paragraph 56 further states: "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." In addition, paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The National Planning Policy Guidance (March 2014), notes that "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations, and further goes on to note that: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."

The overall layout has been designed around an extension of the new access road which has been constructed off the 'T' junction at the end of Brunel Way. The development proposes a new connection off this access road and the building has been positioned centrally on the plot with the service yard being located to the south east and the car parking area to the North West.

The height of the building is dictated by the operational requirements of the unit and is similar in height to the adjacent buildings already established along Brunel Way. The building therefore reflects the context of the Advanced Manufacturing Park. The unit will be 12m from floor level to underside of eaves and the height of the building from the external ground level to the apex of the roof will be approximately 16m.

The external appearance has been designed to reflect existing buildings on adjacent plots and materials to be used will comprise of horizontally laid sinusoidal metal cladding panels in basalt grey and composite cladding panels in metallic silver.

The main entrance to the unit is located on the North West corner fronting Sheffield Parkway. The construction will consist of contrasting materials in order to provide identification of the entrance and help break up the massing of the elevation treatment. The entrance corners will be in polyester powder coated aluminium glazing and doors at ground floor. A corner feature comprising of translucent cladding will further assist in unifying the building with the existing neighbouring structures. The bottom of the buildings will be constructed on a brickwork plinth course in a smooth black facing brick. The fire exit doors are proposed to be in polyester powder coated steel in colours to match the surrounding cladding.

In addition to the above it is also proposed to erect a substation along the Whittle Way frontage which has a footprint of 3.9m x 2.8m. A refuse and recycling store is also proposed within the southern corner of the service yard which consisting of a 2.1m high timber enclosure which will assist in screening the refuse from sight.

Having regard to the above, it is considered that the scheme has been sympathetically designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Therefore the scheme is considered to be of an appropriate size, scale, form, design and siting that would ensure it would enhance the quality, character, distinctiveness and amenity value of the borough's landscapes and will be visually attractive in the surrounding area.

In light of the above it is considered that the design of the proposal is one that is acceptable and would satisfy the relevant design policies and guidance of the NPPF and Core Strategy policy CS28 'Sustainable Design'.

### Transportation Issues

Having regard to transportation issues, it is first important to recognise the proposals are in line with existing planning conditions attached to recent approvals on the wider AMP site. These state that not more than 47,480m<sup>2</sup> of gross floor area within AMP2 shall be occupied until both improvements to Highfield Spring and the Poplar Way/Morrisons roundabout are provided. It has recently been calculated that the proposals associated with this application will exceed the 47,480m<sup>2</sup> trigger and require delivery of the specified highway works. However, Harworth Estates have progressed with those works which were completed in summer 2016.

As such, the necessary works have been completed before the occupation of the proposed development.

The application is accompanied by a Transport Assessment which confirms that the proposed development is expected to generate 30 new trips per hour to/from the north in the morning peak and 27 new trips in the evening peak. Even if all these trips were routed via Highfield Spring and Poplar Way, the impact on existing flows would be less than 2% overall. The actual impact would be less, given that some of the new trips will not pass through this junction. This level of increase is considered to be acceptable in this location.

Vehicular access into the site will be gained via an extension to Whittle Way. Car parking provision has been calculated using the Council's approved parking standards for B1, B2 and B8 uses and show a total of 150 car parking spaces, 4 motor cycle spaces and 12 cycle parking spaces which are considered to be adequate to serve the existing and proposed development.

Turning to the submission of information to support sustainable travel, it is noted that the site lies close to a public transport route which offer bus services operating between Sheffield, Rotherham, Sheffield, Brinsworth and Harthill at regular intervals. It is also proposed that the proposed development will comply with the requirements of the existing Travel Plan for this site.

Having regard to the above, it is considered that the proposal is in accordance with UDP Policy T6 'Location and Layout of Development' and Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel', and is acceptable in Transportation terms, subject to appropriate conditions

### Drainage and Flood Issues

The application site is shown on the Environment Agency's flood risk map as being within Flood Zone 1 (i.e. land assessed as having less than a 1 in 1000 year annual probability of river flooding), and there are no other significant flood risks that will adversely impact on the development.

The 'Waverley New Community', which is the area where the site is located, drains to a series of reservoirs that discharge to the River Rother. The plot will be developed in line with the approved site wide surface water strategy. In this regard attenuation will be provided and surface water discharge rates into the off-site surface water sewer will be restricted to the rate of 20 l/s during the 30 year return period event; in order to comply with the S104 agreement with Yorkshire Water. The discharge rate during the 100 year plus 30% climate change allowance is expected to be 25.4 l/s. Surface water runoff will thereafter be discharged into one of the Waverley Reservoirs; hence it can be considered that flood risk elsewhere does not increase as a result of the development despite the increase in runoff rates.

It is proposed that surface water will be collected by rainwater pipes and a channel drain, where it will be routed to an underground tank, which will provide the required attenuation to restrict rates to 20 l/s during the 30 year return period event. The attenuation tank will provide 546 m<sup>3</sup> of attenuation volume, ensuring there is no flooding during any rainfall event up to the 30 year return period event. Higher return period events will cause flooding that will be retained within the external areas of the site, and eventually exceedance flows will flow towards Whittle Way. During the 100 year return period event plus climate change allowance, flood volumes on the service yard are expected to reach 37 m<sup>3</sup>, which would lead to a depth of flooding of up to 120 mm. Additionally, a small volume of 7.3 m<sup>3</sup> of flooding is expected within the car park within the western part of the site.

Having regard to the above, the Council's drainage engineer has assessed the submitted information and raises no objections to the proposed development. It is therefore considered that the proposals would not have an adverse impact on flood risk areas adjacent to and downstream of the site. Conditions should be attached to any

approval to require the submission of detailed foul and surface water drainage prior to the commencement of development.

### Landscape and Ecology

With regard to Landscape and Ecology matters, Policy CS21 'Landscapes', states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.

The application is supported by a Landscape Plan which shows hard and soft landscaping within the application site boundary. Prior to assessing the merits of this particular development it is worth noting that proposals for strategic landscaping along the Sheffield Parkway corridor have been requested from Harworth Estates (landowner) and whilst it is disappointing that these have not come forward ahead of this application or indeed concurrently with it, it is considered that on plot landscaping can be considered independently in this instance whilst proposals on the wider landscaping are being considered.

In this instance the majority of landscaping is located along the site boundaries and will consist of ornamental shrub and tree planting to the access road, car park and entrance areas to create an attractive landscape environment. Formal hedgerows to the site boundaries will create a strong landscape structure to the sites edges. The proposed planting to the access road and car park areas is generally ornamental in character with a simple palette of shrubs and herbaceous planting arranged. Consideration has been given to each species' ability to complement the existing landscape character and where appropriate, their contribution to improving the sites biodiversity.

A mix of low to medium height shrub species have been selected to provide break up the hard appearance of the car park and assist in softening the sites boundaries whilst remaining sympathetic to the surrounding, existing landscape. These areas are considered to be sufficient to enable an attractive outdoor area that will benefit future employees and the appearance of the AMP as a whole.

On this basis, the level and type of planting is consistent with that previously approved on the adjacent R-evolution site and as such is considered to be acceptable and in accordance with the provisions of Policy CS21 'Landscape'

Turning to ecology, the application is accompanied by an Extended Phase 1 Habitat Survey and Preliminary Site Assessment, Breeding Bird Survey, Bat Survey, Reptile Survey and Orchid Translocation Report. This report confirms that regular survey have been undertaken on site, the most recent being on 4<sup>th</sup> October 2016.

The report documents the findings of the survey work and concludes that *'no significant ecological impacts are predicted as a result of the proposals. There is a low risk to breeding birds and mitigation is required. Based on the work completed to date, without the implementation of an appropriate mitigation strategy the proposals may result in the following impacts:*

- *The disturbance of habitats with the potential to be used by breeding, foraging and loafing birds.*

*In order to minimise the risk of protected / notable species being adversely affected, or a net decrease in the biodiversity value of the site resulting from the implementation of the proposals, the following mitigation measures will be implemented through the development:*

- *Future developers and site owners within this application site should be encouraged to become stakeholders of the SBAP;*
- *If any portion of the site remains undeveloped for a period of approximately 12 months a site walkover survey will be undertaken to determine if habitats and management of the site remains unchanged to ensure there is no risk of protected / notable species being adversely affected by the proposals;*
- *A walkover / checking survey will be undertaken by a suitably qualified ecologist prior to any works being undertaken during the breeding bird period.*
- *In order to minimise the potential ecological effects of the proposals appropriate measures will be undertaken to control dust, noise and site lighting.*
- *Appropriate working and material storage methods will be implemented throughout the construction period to ensure adjacent habitats are not adversely affected by the proposals.*
- *Consideration is to be given to minimise light pollution to reduce impact on any retained habitat.*
- *Biodiversity gains will be realised through the provision of green infrastructure and roosting / nesting facilities for birds / bats.'*

The Council's Ecologist has assessed this information and concurs with the findings of the report; furthermore he agrees that the proposed mitigation measures which will be secured via a condition in the form of a Biodiversity Mitigation & Enhancement Strategy will ensure that there is no adverse impact on biodiversity as a direct result of the proposed development.

Having regard to this, it is considered that in terms of ecological implications the application is acceptable and in accordance with Policy CS21 'Landscape', and the above issues raised can be secured via planning conditions

### General Amenity

The site is located over 400m away from the closest residential premises to the south west of the site, off Willow Drive and at Waverley Cottages, and to the east of the site, within Plot HC5 which is located off Highfield Spring and adjacent to the Waverley New Community development site. All existing and proposed receptor locations are located adjacent to busy roads including, to the south west of the site, the Sheffield Parkway.

The proposal is for the erection of a detached building for B1, B2 and B8 purposes and is supported by a Noise Assessment which identifies noise exposure associated with both noise generating developments and noise sensitive developments in the immediate locality

A number of noise surveys surrounding the site have been carried out; these have concluded that the site and surrounding area is not considered to be within a 'quiet' location. The Noise Assessment goes on to confirm *'The proposed B1, B2 and B8 usage at the site will be in-keeping with the nature of the existing research and manufacturing businesses within the wider AMP which are located at equivalent or*

*further distances to the receptors than the site. As a result, particularly due to the large separation distance from the site and receptors, it is not expected that there would be any noticeable change in noise level at the closest receptors in respect to noise emanating from the AMP as a result of the proposed development. Therefore, with regard to planning policy and guidance as well as reference to BS 4142:2014, particularly given the context of the location of the site and closest residents, it is considered that noise associated with the proposed development will have a low impact during either daytime or night-time periods. Such effects are below the LOAEL. Therefore, it is considered that there is no requirement to implement specific mitigation or noise control measures. However, following good practice, it is recommended that future operators assess the requirement for whether specific noise assessments should be undertaken for their own purposes to control noise from their operations.'*

On this basis it is considered that the proposed development can be accommodated on this site in compliance with the provisions of Policy ENV3.7 'Control of Pollution' which seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

### Geotechnical Issues

A Preliminary Risk Assessment and Coal Mining Risk Assessment has been submitted in support of the planning, the objective of the report is to provide sufficient desk-based information in relation to the potential risks to the development from ground contamination and coal mining issues.

The report concludes that *'Previous intrusive investigation and monitoring works have been carried out at the site and across the wider surrounding area. The summary report 'R-evolution @ AMP (Phase 2) Waverley Summary Report, reference: 321320-R6(00)', issued in November 2015 provides a review of the works undertaken and the conclusions gained:*

- *There are no development constraints associated with soil contamination with respect to human health.*
- *There are no development constraints associated with risk to controlled waters.*
- *Some exceedances of acceptance criteria for plastic water supply pipes means that RSK recommends that when the route of the supply pipe has been decided, the relevant water supply company should be contacted prior to installation to recommend an appropriate sampling strategy of the proposed route and suitable pipe materials.*
- *It is considered that a CS2 classification is adopted for the site and mitigation measures should be appropriate to this classification.*

*The Coal Mining Risk Assessment (CMRA) has identified potential coal mining issues which may require mitigation and consequently necessitate further assessment by intrusive investigation. This includes confirmation of the suitability of the opencast backfill and confirmation of the current ground gas regime. An updated/revised CMRA will be presented within the final Geo-environmental report on completion of all testing, monitoring and geotechnical modelling.'*

This information has been assessed by the Coal Authority and the Council's Land Contamination Officer who concur with the findings of the report, however, in the absence of any mitigation measures relating to potential ground gas issues it is

recommended that a condition be appended to any planning approval requiring these be incorporated into the proposed development.

Based on the above information it is considered that the site is acceptable with respect to contamination subject to the imposition of conditions on any permission granted.

## **Conclusion**

The application seeks permission for the erection of a new building for the purposes of B1 (b) & (c), B2 and B8 uses on a site that is allocated for Industrial and Business Use within the adopted Rotherham Unitary Development Plan. The proposal is therefore considered to be acceptable in principle and in accordance with the provisions of the NPPF, Policy CS9 'Transforming Rotherham's Economy' and UDP Policy EC3.1 'Land identified for Industrial and Business Use' which supports B1, B2 and B8 uses.

Subject to the recommended conditions, the proposal is not considered to have any adverse effect on the character of the area or on residential amenity and therefore is considered to comply with UDP policy EC3.1 'Land Identified for Industrial and Business Uses'.

Furthermore the impact of the proposal on the local and strategic network is considered to be minimal. The site is considered to be in a sustainable location with access to public transport and subject to the submission of a robust Travel Plan, the development is not considered to have a detrimental impact on the free flow of traffic within the immediate locality. The development is therefore considered to be in accordance with the policies of achieving sustainable development in the NPPF, Policy CS3 'Location of New Development' and with UDP policy T6 'Location and Layout of Development'.

With regards to drainage, the proposal is considered acceptable in this respect and full details should be submitted as required by condition. Turning to landscaping and ecology, it is considered that the site can be appropriately landscaped, subject to the submission of full details, and that recommended mitigation measures are appropriate to encourage biodiversity gain at the site. The site will be levelled to create a development platform, and with regard to ground contamination, the imposition of conditions on any permission would render the proposal acceptable from this point of view.

It is therefore recommended that planning permission be granted subject to the following conditions.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 5 & 11 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 5 & 11 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

The development hereby permitted shall be commenced before the expiration of five 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)

- Existing Site Plan – Dwg No. 13204A-101 Rev B
- Proposed Site Plan – Dwg No. 13204A-102 Rev D
- Proposed Detailed Site Plan – Dwg No. 13204A-103 Rev D
- Proposed Elevations – Dwg No. 13204A-107 Rev D
- Proposed Ground Floor Plan – Dwg No. 13204A-104 Rev E
- Proposed Roof Plan – Dwg No. 13204A-106 Rev B
- Proposed Sub Station – Dwg No. 13204A-109 Rev A
- Proposed Bin Store – Dwg No. 13204A-110 Rev A
- Proposed Cycle Shelter – Dwg No. 13204A-111 Rev A
- Proposed Building Section – Dwg No. 13204A-112 Rev A
- Proposed Section – Dwg No. 13204A-113 Rev A
- Proposed Perimeter Fence Detail – Dwg No. 13204A-114
- Proposed Retaining Wall Elevations – Dwg No. 13204A-115 Rev A
- Landscape Plan – Dwg No V13204-L01 Rev A
- Drainage Layout – Dwg No. 4522.6-DSK1 Rev A
- General Arrangement – Dwg No. 4522.6-R1 Rev A
- Long Sections – Dwg No. 4522.6-R2 Rev A

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted document entitled Materials Samples, dated March 2017. The development shall thereafter be carried out in accordance with these details.

Reason

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



accordance with Policy CS28 'Sustainable Design'.

04

The perimeter fencing hereby approved shall be powder coated in RAL 7037 – Dusty Grey or RAL 7024 – Graphite Grey' and shall thereafter be as such retained for the lifetime of the development.

Reason

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

05

The building hereby approved shall be designed to achieve BREEAM Very Good rating as a minimum. Prior to the commencement of the development a BREEAM Assessors report shall be submitted to and approved in writing by the Local Planning Authority. The building shall subsequently be developed in accordance with the approved details.

Reason

To achieve a sustainable form of development in accordance with the NPPF.

## TRANSPORTATION

06

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

07

Before the development is brought into use the car parking area shown on the drawing ref: Proposed Detailed Site Plan – Dwg No. 13204A-103 Rev B shall be provided, marked out and thereafter maintained for car parking.

Reason

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

08

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

progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

### LANDSCAPE

09

Landscaping of the site as shown on the approved plan (drawing ref: Landscape Plan – Dwg No V13204-L01 Rev A) 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 Policy CS21 'Landscape', 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'.

10

Prior to the occupation of the building hereby approved a Biodiversity Mitigation & Enhancement Strategy and a schedule for implementation and long-term maintenance plan shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

To enhance the biodiversity gain in accordance with the NPPF.

### LAND CONTAMINATION

11

Prior to the commencement of development further Intrusive Site Investigation shall be undertaken in accordance with the recommendations made in section 5.0, subsections 5.1 - 5.2 of the report entitled 'Extension Land to AMP (Project Mercury), Waverley – Preliminary Risk Assessment and Coal Mining Risk Assessment - prepared by RSK Group Plc, dated March 2017, reference 350122-R01 (01). The investigation and subsequent risk assessment shall be undertaken by competent persons and a written report of the findings submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in full accordance with these findings.

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

Gas protection measures shall be incorporated into the development hereby approved, comprising:

- a) Reinforced concrete cast insitu floor slab (suspended, non-suspended or raft) with at least a lapped and taped minimum 1200g membrane
- b) a beam and block or pre cast floor slab with a lapped and taped minimum 2000g membrane; and
- c) under floor venting or pressurisation in combination with either of (a) or (b) above depending on use
- d) All joints and penetrations shall be sealed

Reason

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

13

In the event that subsoil's / topsoil's are to be imported to site for soft landscaping works then these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to site then the results of testing thereafter shall be submitted to and approved in writing by the Local Authority in the format of a Validation Report.

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

A design classification of DS-4 and the responding aggressive chemical environment for concrete (ACEC) class of AC-4 shall be used for all sub surface concrete in the development, due to the elevated soluble sulphate content within the soils and made ground across the site.

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.

15

The installation of water supply pipes serving the development hereby approved shall consist of Yorkshire Water specified "barrier pipes" made from PE 100-RC with an additional protection layer made from polyethylene PE, plus a resistant KIWA-certified aluminium barrier layer supplied by approved suppliers Egeplast, Wavin, Radius or GPS.

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.

16

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

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

Reason

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

17

Following completion of any required remedial/ground preparation works, a Verification Report shall be submitted 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.

## ENVIRONMENTAL

18

No part of the land other than that occupied by buildings shall be used for the permanent storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Policy CS28 Sustainable Design and UDP Policy ENV3.1 'Development and the Environment'.

## POSITIVE AND PROACTIVE STATEMENT

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

To the Chairman and Members of the  
PLANNING REGULATORY BOARD

Date 20<sup>th</sup> April 2017

Report of the Director of Planning and Regeneration Service

ITEM NO.    SUBJECT

1            Proposed Tree Preservation Order No 6 2016 – at land to the rear of  
Nos. 17 to 27 New Road, Firbeck, S81 8JY

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE  
20<sup>TH</sup> April 2017

**NO. OF APPENDICES: 0**

**Proposed Tree Preservation Order No 6 2016 – at land to the rear of No.s 17 to 27 New Road, Firbeck, S81 8JY**

**RECOMMENDATION:**

**That Members confirm the serving of Tree Preservation Order No. 6 (2016), at land to the rear of Nos. 17 to 27 New Road, Firbeck, Worksop S81 8JY under Sections 198 and 201 of the Town and Country Planning Act 1990.**



**Background**

The trees in question were previously covered by Tree Preservation Order (No. 1) 1952 as part of a very large Tree Preservation Order (TPO) covering much of the village of Firbeck.

An application to fell 4 No. Lime trees (identified as T11, T12, T13 and T14 on the original TPO) was submitted to the Council in March 2016 and was

subsequently part granted and part refused (reference RB2016/0361). The removal of T11 was accepted as it was noted to be dead, though the removal of T12, T13 and T14 was not accepted.

The applicant appealed the refusal and when the appeal was considered the Planning Inspectorate requested details of the confirmation of the original TPO. The Council did not have a record of the actual confirmation of the TPO from 1952 and the Planning Inspectorate allowed the Council to make a new TPO to cover these trees.

As such, a new Tree Preservation Order was made in November 2016 and placed on the 3 trees at the rear of 23 to 27 New Road, as well as an additional Lime tree at the rear of 17 New Road (TPO No. 6, 2016). All interested parties were notified and objections have subsequently been received.

Other relevant applications are listed below:

RB2000/0697: Application to fell 1 lime tree (T9) protected by KPRDC Tree Preservation Order No1 1952 – REFUSED 11/08/00

RB2006/2204: Application to fell one lime tree protected by RMBC Tree Preservation Order No. 1, 1952 – REFUSED 17/04/07 Appeal Received 11/06/07 – Dismissed 29/01/08

## **Representations**

A right to speak request has been received from a Mr Anderson of Anderson Tree Care on behalf of the applicant. His comments are summarised below.

Comments were received from the Firbeck Church Estate which notes that a tree blew down in 1980 (T10 under 1952 Order) and hit Nos. 19 & 21 New Road, and the elderly residents could have been killed if they had not been sleeping downstairs. The Estate agrees with the comments of the Council's Tree Service Manager and notes that the trees are not within the gardens of the properties in their ownership but are in the field behind.

This land is owned by the occupants of No. 1 Park Hill Drive and Anderson Tree Care acting on their behalf formally objects to the Tree Preservation Order (TPO). Mr Anderson has requested to speak at the Planning Board meeting on behalf of the applicants.

Comments raised by Anderson Tree Care are contained below:

- Mr Anderson makes a detailed analysis of the health of the four trees the subject of the TPO and concludes that they should all be removed and be replaced with a more appropriate species which is likely to cause fewer nuisances to neighbours.
- The TEMPO assessment that the Council's Tree Service Manager has made concludes that their condition is "fair/satisfactory." The Tree Service Manager has also recommended a lot of work to the trees as



part of his report on the application. This assessment is not satisfactory. The best that can be said of them is that they're in poor condition.

- Mr Anderson notes that immediate neighbours describe the trees as “dangerous” with regularly shedding dead wood. The objections appear to have been removed from the website. The Tree Service Manager has commented that the trees have “reasonable future prospects,” this is clearly not the case. They grow against a wall and the adjacent tree has been infected with a notorious decay fungi; these are not good prospects, again by any stretch of the imagination.
- The Tree Service Manager has described their life expectancy as 20 to 40 years. Mr Anderson has submitted a report which gives his appraisal of the trees. He comments that if the owners were to spend substantial sums of money pruning the trees and removing dead wood the trees may last another 20 years. However, he and his clients think that a better use of the resources would be to remove the trees and plant new ones.
- The Tree Service Manager says that the trees are clearly visible to the public; one of them is visible from the highway over the length of a garden, the other two can be seen over the houses. The fourth is in a small rear garden and equally only glimpsed from the highway. The footpath and bridleway The Tree Service Manager mentions, is some distance from the trees. By TEMPO's measure this is a “limited view only.”
- The Tree Service Manager goes on to describe them as having no redeeming features. Mr Anderson would go further, as would the neighbours; they are the last species anyone would choose to plant in this position. They're entirely unsuitable for their location. If the Tree Service Manager had pragmatically TEMPO-scored these trees they would score 1, 1, 3, & -1. They do not deserve protection and his TEMPO appraisal is clutching-at-straws.
- The previous decision by the Planning Inspectorate to refuse consent to fell T4 decision to be a poor one. One of the reasons given for dismissal was that “it could set a precedent.” This is nothing to do with amenity. A tree can only be protected because of amenity and visibility alone is not what is meant by “amenity.”
- The Council should get an independent Arboriculturist in to give a third opinion.
- This situation is clearly ridiculous and has already dragged on for 9 months. If this TPO will be put forward to Members then they need to discuss the matter rather than adopting the approach of other TPO confirmations.
- Mr Anderson concludes his report stating that one of the trees identified as Tree 1 is in a parlous condition and should be removed as a matter of urgency.

In addition, a letter of objection has been received from Mr and Mrs Cakebread who live at No. 17 New Road raising the following comments:

- All four trees (T1 – T4) can only be briefly seen from New Road and within the public realm. The trees can only be viewed at a distance from footpath No. 5 and Bridleway No. 2 which diminishes their amenity value. Additionally the number of people using these footpaths is very low which reduces their amenity value.

- All four trees are reaching the end of their life. An inspection would downgrade their value on this basis.
- Threat to property, the trees are very close to neighbouring properties, they are Listed Buildings and run the risk of being damaged by the trees, including risk of subsidence.
- The leaves falling from the trees block gutters and dead wood falling from the trees causes damage to property and to parked vehicles.
- A tree came down in the garden of No. 19 New Road, which did substantial damage to both Nos. 17 & 19 New Road. It was only because the occupants were sleeping downstairs that they were not killed at the time.
- The trees are all of a similar age and as permission has been given to remove one of the trees it casts doubt on the validity on retaining a TPO on the other four.
- The trees do not merit including within a new TPO.

### **Councils Tree Service Managers Response**

The Trees Services Manager has considered the objections raised and in response states that the main part of the objections appears to be as follows:

The TEMPO assessment overvalues the trees condition, future prospects, visibility and suitability for retention.

#### Condition and future prospects

The trees have been evaluated as being in fair condition with future prospects of 20 to 40 years (subject to further investigation), whilst the objector believes they are in poor condition with limited future prospects 10 to 20 years.

The trees contain various defects and quantities of dead wood. However, their health appears satisfactory considering their age and the apparent lack of routine maintenance in the past. At present no evidence has been provided to support the view that they are in poor condition e.g. they contain significant structural defects and / or their structural integrity is significantly impaired and, as a result, they are vulnerable to sudden partial or complete collapse. The provisional 6 months protection that a Tree Preservation Order provides acts as a holding measure to prevent the removal of significant amenity trees until any such evidence is provided to justify their premature removal. This is important where the loss of the trees will have an adverse impact on local amenity.

The extent of pruning recommended by the Tree Service Manager's in response to the application to fell them under application RB2016/0361 included the following:

"The removal of dead wood and dense small diameter shoots from around the base of their main stems. I do not agree that this is "a lot of work" and "unsatisfactory" as stated by the agent. The removal of dead wood was

recommended to help minimise the risk of personal harm or damage to property. This type of work is normally accepted as exempt from the normal application procedures for reasons of safety. The pruning of the basal shoots was also recommended to help allow a detailed inspection of the main stem to be completed to help determine if any of the trees contain any significant defects and / or associated decay and the level of remedial action required to satisfactorily resolve them.”

In addition to the above, whilst the trees are positioned close to boundary walls, the Tree Service Manager stated that he was not aware of any evidence being provided to confirm that they are the cause or the main contributory factor to any disturbance to them and / or that the walls cannot be rebuilt without requiring the removal of the trees concerned. He also stated that he was not aware of any evidence being provided to confirm that any of the trees are involved with any current difficulties of structural damage to the dwellings.

#### Visibility

The TEMPO evaluation records the trees as “large trees clearly visible from New Road and Firbeck footpath No 5 and bridleway No 2”. The objectors state that there is only limited visibility of the trees and the footpath and bridleway are some distance from them that diminishes their amenity value.

T1 to T3 are clearly visible from between 19 to 23 New Road and over the side garden at 27 New Road and the upper parts of T4 are visible above the roof line of 17 New Road. In addition they are all clearly visible from the public footpath and bridleway, albeit at a distance. As a result their removal will no doubt result in a significant reduction of local amenity in the area.

#### Unsuitable for their location

The TEMPO evaluation records the trees as having no additional redeeming features. The objectors state they are entirely unsuitable for their location. This appears to be due to their position in relation to the adjacent properties and the amount of seasonal debris from them.

The concerns for personal harm and / or damage to property should the trees partially or completely collapse are fully understood and appreciated. This is not unusual where residents live within falling distance of large mature trees. However, no evidence has been provided to substantiate these concerns at this time.

The difficulties of seasonal debris are also fully appreciated and understood. The clearance of such debris is to be expected where properties are in close proximity to trees and is considered part of general household maintenance works, as indicated as part of a previous appeal decision by an independent Government Inspector. The sap secreted by insects feeding on the leaves of the trees may be regarded by residents as a nuisance, but the extent can vary from year to year depending on aphid populations and it can be removed with warm soapy water. The use of car covers can also help to reduce this type of

difficulty if it is not possible to park a vehicle away from a tree during the months when it is in leaf.

Letter from Firbeck Church Estate

The letter of support for the new Tree Preservation Order states the site and trees have been inspected and they concur with the Council's conclusions to protect the trees. As owners of some of the properties affected by the trees, this is welcomed.

**Conclusions**

No evidence has been provided to substantiate the reasons not to confirm the Order.

It is therefore considered that the main objections to the Order have been carefully assessed and the Order has been made in accordance with Government guidelines. In this instance, it is recommended the Order is confirmed without modification.