

PLANNING REGULATORY BOARD

**Date:- Thursday, 21 June 2018 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**
Time:- 9.00 a.m.

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

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 31st May, 2018 (herewith) (Pages 2 - 3)
6. Deferments/Site Visits (information attached) (Pages 4 - 5)
7. Development Proposals (report herewith) (Pages 6 - 141)
8. Report of the Assistant Director of Planning Regeneration and Transport (report herewith) (Pages 142 - 199)
9. Updates
10. Date of next meeting - Thursday, 12th July, 2018 at 9.00 a.m.

Membership of the Planning Board 2018/19

Chairman – Councillor Sheppard
Vice-Chairman – Councillor Williams
Councillors Andrews, Atkin, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Ireland,
Sansome, 8.A9J. Turner, Tweed, 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, 31st May, 2018

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

Also in attendance : Councillor Jarvis.

Apologies for absence were received from Councillors Ireland, R.A.J. Turner and Tweed.

The webcast of the Council Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

90. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

91. MINUTES OF THE PREVIOUS MEETING HELD ON 10TH MAY, 2018

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 10th May, 2018, be approved as a correct record for signature by the Chairman.

92. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

93. 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.

(2) That applications RB2018/0494 and RB2018/0569 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That consideration of application RB2018/0527 be deferred until the next meeting.

94. UPDATES

The following matters were discussed:-

(1) Members were informed of the success of the Council's Planning Service in being named winner in the category for Local Authority Planning Team of the Year at the Royal Town Planning Institute's Awards

for Planning Excellence 2018.

Members placed on record their appreciation of the work of the Planning Service and their success in gaining this Award.

(2) Members were reminded of the arrangements for the Planning Board's tour of completed developments, scheduled to take place on Friday, 22nd June, 2018.

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

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the 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 21 JUNE 2018

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

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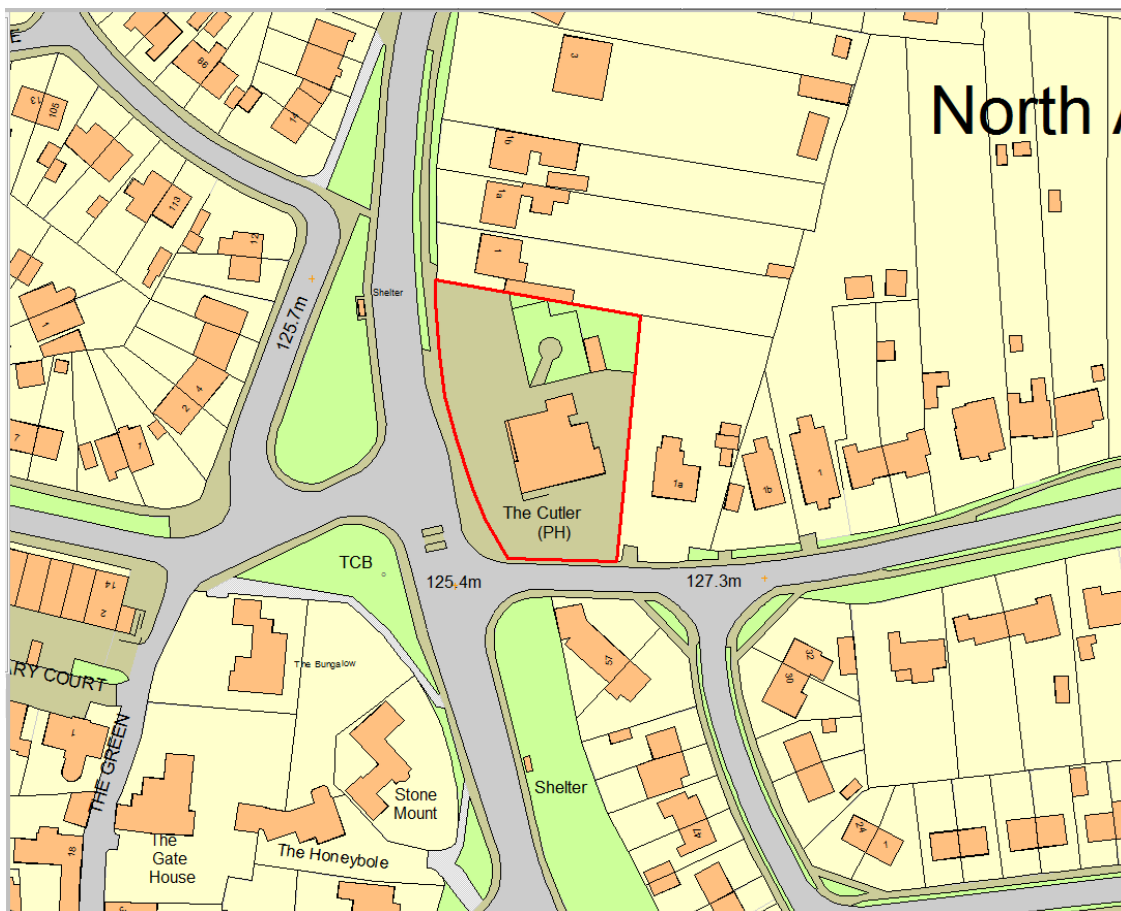
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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 21 JUNE 2018

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

| | |
|------------------------------|--|
| Application Number | RB2015/0777 |
| Proposal and Location | Single storey side & rear extension to existing building to form A1 retail unit including ATM and associated works at land adjacent to The Cutler Public House, Woodsetts Road, North Anston S25 4EQ |
| Recommendation | Refuse |

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



Site Description & Location

The site of application is land to the north and immediately to the side of The Cutler public house, on land that is currently part of the beer garden. The Cutler public house sits in a large plot with car parking to the front (south) of the site and is located on the junction of Woodsetts Road and Nursery Road (B6060). The site is located close to the local centre of North Anston which is located across the road from the site on Quarry Lane.

The immediately surrounding area is residential with a bungalow immediately to the north of the property (1 Nursery Road) and a further property adjacent to the east (1a Woodsetts Road) and a further property across Woodsetts Road to the south (57 Mulberry Road).

Background

There is considerable planning history to the site in relation to it being a public house. The most relevant planning applications are as follows:

RB2014/0252: Single storey side & rear extension with external alterations and associated works - GRANTED CONDITIONALLY 25/04/14

RB2014/0582: Non-material amendment to application RB2014/0252 for removal of Condition 06 - GRANTED 29/05/14

Proposal

This planning application proposes the construction of an extension to The Cutler public house to provide a separate new retail shop unit (Use Class A1) for Tesco's.

It is proposed that the Cutler remains in use as a public house and planning permission was granted in 2014 for an extension to the north covering roughly the same footprint of the proposed shop unit for a restaurant extension. However, the applicant has indicated that this extension is no longer proposed and indeed could not be implemented if this planning permission were approved.

The ownership of the site has been separated between the applicant and the owners of the public house who retain ownership of The Cutler building and land to the south including the car park and the access from Woodsetts Road. They also retain ownership of part of the existing beer garden area which would be located immediately to the north of the application site. This land in question would be physically separated from the public house site by the proposed shop premises. The submitted plans indicate that this land in question would be retained as a beer garden for The Cutler in spite of its dislocated location.

The proposed retail store includes an ATM machine which would be located to the front of the store. The building would be single storey and would be serviced from the front with a Loading Bay located directly in front of the store. The deliveries would then be taken down the northern side of the building to the rear where additional plant would be located to serve the store.

The extension would be flat roofed with an overall height of 4.4 metres and would have a depth of 27 metres and a width of 12.5 metres. The extension would be constructed in brick with a predominately glazed shop front to the front elevation.

The proposals include a 2m high acoustic fence or wall to be located along the perimeter of the site to the north and east to protect neighbouring residents from noise nuisance.

The total floor space of the building would be approximately 296 square metres with a total retail sales area of less than 280 square metres.

The proposed layout shows 27 No. car parking spaces including a single disabled bay and separate cycle store. The parking area would be shared with the retained element of the Cutlers Arms pub. The existing accesses onto both Nursery Road and Woodsetts Road would be retained. No 'in' 'out' provision is proposed.

The applicant has indicated that the proposed store would be open between 06:00 – 23:00 Mondays to Sundays including Bank Holidays with deliveries taking place during these times.

The plans have been amended since originally submitted, by removing a decking area to the front of the Public House and an acoustic fence being proposed around the perimeter of the site adjacent to the existing beer garden.

The applicant has submitted a number of supporting documents including:

Planning Statement:

The submitted Planning Statement concludes that: "In terms of the principle of development.....the proposed A1 retail use is appropriate in principle – the site is an edge of centre location in retail terms, and is located in a sustainable and accessible location."

Noise Impact Assessment:

The proposal includes a Noise Impact Assessment which makes recommendations to reduce noise nuisance from the site.

Transport Statement:

The submitted Transport Statement concludes that: "This shows that the unit can be expected to generate a modest uplift in trips to the site, with a negligible impact on the local highway network. A parking accumulation exercise has also been undertaken, and this demonstrates that the car park would have sufficient capacity to accommodate the likely maximum parking demand of the retail unit together with the existing parking demand of the public house."

The site would have a total of 27 No car parking spaces of which 3 are disabled spaces. These parking spaces would be shared with the pub.

The applicant has provided comments about the wider ownership of the site. Tesco Stores Ltd have the benefit of a lease of land (only) on which the retail unit would be built, from the current owner Wulstan Capital. This land is in a separate ownership and title to the rest of the public house and grounds, although there is a right to use the car park and access to/from both Woodsetts Road and Nursery Road.

The owners of the public house therefore remain the owners of the beer garden to the north of the proposed retail unit immediately adjacent to the boundary with No. 1 Nursery Road. They also have unencumbered access to this land.

The applicant has stated that *"As the country's leading convenience retailer and a responsible employer, Tesco do not tolerate antisocial behaviour at their stores, and operate a positive policy on alcohol and tobacco sales, supporting "Challenge 21" and other national schemes. Signs advising their alcohol and tobacco policy are prominently*

displayed on appropriate aisles and at checkouts, and staffs are given specialist training on the sale of age-restricted products.

As is the case with the pub, it is not in the interests of Tesco to tolerate or encourage inappropriate behaviour at or near their stores, and staff have the ability to refuse alcohol sales if circumstances warrant.

For these reasons, we believe that the form, scale and layout of the proposed development is appropriate in this location, and as has been demonstrated by our acoustic consultants, will not lead to an adverse impact on the amenities of nearby residential properties.”

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 Residential purposes in the UDP and this allocation is retained in the emerging Sites and Policies Document. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

Policy CS12 Managing Change in Rotherham's Retail and Service Centres

Policy CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG1 'Existing Residential Areas'

T6 'Location and Layout of Development'

Emerging Sites and Policies Document

SP12 Development in Residential Areas

SP26 Out-of-Centre Retail Parks and Other Out of Centre Developments

Other Material Considerations

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

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

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

The Sites and Policies document has completed its independent examination and the Council has received the Inspector's final report and Main Modifications. The Council envisages adoption of the Sites and Policies document in late June 2018. Given the stage of plan preparation the Council considers that significant weight can be given to the draft policies in line with paragraph 216 of NPPF.

The Core Strategy/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 was publicised by letter to neighbouring residents and by Site Notice. The Council has received 84 separate representations objecting to the application. Anston Parish Council has objected to the application and a local Councillor has also objected separately. The original publicity undertaken in 2015 raised the following comments:

Anston Parish Council raised the following objections:

- Deliveries and additional traffic movements could be dangerous to highway safety within the immediate vicinity of the site.
- An elderly resident was recently knocked down near the site.
- Noise pollution for local resident from the use of the premises.
- Noted that a 2000 name petition was submitted by local residents.
- A Traffic Survey should be carried out and a site visit be made to the site.

The comments raised are summarised below:

- The proposal is dangerous in highway safety terms with potential problems being caused by delivery vehicles to the site and potential parking in the highway.
- There have been a number of accidents within the vicinity of the site including an elderly pedestrian being hit by a car. This development would increase a risk to vehicles and pedestrians including school children.
- The local roads and junctions are dangerous this will only increase road safety problems in the local area.
- Increase in anti social behaviour in the area, litter, noise nuisance and loitering.
- There is no need for a Tesco store in this location as there is another store in Dinnington and local shopping provision.
- The proposed store would have a very detrimental impact on local businesses.
- There has been inadequate consultation with the public about the application.
- The site should be accessible by public transport.
- The applicant should submit a sequential test for the proposal.
- Alternative sites would be preferable for this development.
- Negative impact on the local area and would harm the rural feel of the village.
- Devaluation of property prices
- Noise and disturbance during construction works.
- Light pollution from the signs and lighting at the site.
- The proposed extension would harm the character and appearance of the surrounding area.
- Tesco's are being underhand about the development.

- Harmful noise for local residents from the plant at the premises and from the use of the store. The submitted Noise Assessment is inadequate.
- The remainder of the public house could be converted into retail use in the future.
- The site should be redeveloped for much needed housing.
- When Tesco stores are closing elsewhere why are they opening here?

A local Ward Councillor raised the following objections:

- No consultation with the local residents about the proposals.
- There is not sufficient parking provision at the site and how would it be managed if the development is approved.
- Noise and disturbance for local residents.
- Impact on local businesses.
- Appearance of the signs and harm to the appearance of the local area.

The amended plans advertised in May 2018 have raised a further 26 objections from local residents. The comments received are summarised below:

- There are enough local businesses and shops to serve the local community within the immediately surrounding area. There is no need for this additional Tesco store.
- The proposed development would harm local businesses.
- The access is dangerous in highway safety terms.
- The proposed development would lead to increased parking in the surrounding area.
- The proposed premises and illuminated advertisements would lead to light pollution.
- Neighbouring residents would be disturbed by noise from the chiller units and air conditioning within the building.
- The proposed development could lead to an increase in anti social behaviour.
- The development would lead to increased traffic noise for local residents.

Right to speak:

The Council has received 14 Right to Speak Requests. These include 13 requests from local residents, Anston Parish Council and a local Ward Member. The applicant's agent has requested to speak at the Meeting on behalf of the applicant.

Consultations

RMBC – Highways: Have assessed the submitted Transport Statement and have concluded that the proposal is acceptable in highway safety terms subject to recommend conditions.

RMBC - Environmental Health have assessed the submitted Noise Report and have raised no objections to the proposal subject to the provision of acoustic fencing along the boundary of the site with neighbouring residential properties.

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 extending this building and introducing a retail shop premises onto this site.
- The impact and design of the proposed extensions on the host building, the application site and the wider streetscene.
- The impact of the extensions on the amenity of neighbouring residents.
- The impact of the proposed uses on the amenity of neighbouring residents.
- The impact of the development on highway issues.
- Other issues raised by objectors.

Principle

The application site is allocated for Residential purposes within the Council's adopted UDP and is also proposed to be allocated for Residential purposes on the emerging Sites and Policies Document. It is located in North Anston close to the existing local shopping centre on Quarry Lane. The site currently comprises of a beer garden which currently serves The Cutler public house. The remainder of the site is all hardstanding and is used as the car park in relation to the public house premises.

Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' states that: "To maintain and enhance the vitality and viability of the borough's retail and service centres new retail, leisure, service facilities and other main town centre uses will be directed to the most appropriate centre....having regard to the type and scale of development proposed. It adds that: "New development of an appropriate scale for local shops and community facilities will be supported in areas of housing growth."

Emerging Sites and Policy SP26 'Out-of-Centre Retail Parks and Other Out of Centre Developments' states that "planning permission for the expansion of the existing out of centre facilities or new out of centre retail development will not be supported unless the proposal satisfies the requirement of Core Strategy Policy CS12.

The Council will seek to ensure that development of main town centre uses (as defined in national planning policy) in out of centre locations remains complementary to defined centres by mitigating the impact of any development. This will be achieved by imposing appropriate conditions including on the use of land and premises, the scale of development, the sub-division of units, and the goods that can be sold from any retail outlet."

The shop unit would have a retail floor space of less than 280 square metres and as such is of a size that would only cater for local retailing needs. It is considered that this would largely supply a local convenience need and as such would for the purposes of the aforementioned policy, comprise a neighbourhood shop. As such, the principle of a neighbourhood shop complies with the above policy and being located close to an established local centre is acceptable in principle.

The site is located within an area allocated for Residential purposes, though the site has a long history of being used for non-residential uses with a public house being located on this site since at least the mid-1960s. Policy HG1 'Existing Housing Areas' of the UDP states the Council will ensure that predominantly residential areas are retained primarily for residential use by permitting only those proposals which, have no adverse effect on the character of the area or on residential amenity, are in keeping with the character of the area, make adequate parking arrangements and are ancillary to the residential function of the area.

Policy SP12 'Development in Residential Areas' of the emerging Sites and Policies Document states that: "Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

Non residential uses will be considered in light of the need to maintain the housing land supply and normally only permitted where they:

- a. Are ancillary and complementary to the residential nature and function of the area; and
- b. Are no larger than is required to meet the needs of local residents; and
- c. Will not have an unacceptable impact on the residential amenity of the area; and
- d. Demonstrate how they will be of benefit to the health and well-being of the local population."

With regard to the principle of introducing a retail unit within the existing site of the public house, it is noted that the site in question is located close to the existing local shopping centre of North Anston which consists of a parade of shops and a medical centre located further down Quarry Lane adjacent to Greenlands Park. It is considered that this proposed retail use is appropriate in this location and could enhance the retail offering of this local centre.

The proposed Retail shop unit (Use Class A1) is considered to satisfy the first and second requirements of the aforementioned policy as given the previous use of the site it is not considered that the proposed use would have an adverse effect on the character of the surrounding residential area. In addition, the proposed use would be ancillary to the residential nature and function of the area and as noted above is no larger than is required to serve local needs. The impacts of the development on residential amenity and the health and wellbeing of the local population is discussed in more detail below.

It is noted that there has been a lot of local opposition to the proposal with comments raised about the impact of the proposed Tesco store on local retailers. Whilst this is noted trade competition is not a material planning consideration and cannot be taken into account in the assessment of this application.

It is noted that other comments have been made about the suitability of this store in this location, as it is claimed that there is sufficient shopping provision and more suitable

alternative sites within the local area. Whilst this is noted it is considered that the commercial viability and the siting of the business in this location are considerations for the applicant. It is considered that this proposal is acceptable in principle, subject to the development being acceptable in highway safety, neighbouring amenity and design terms which will be considered later in this report.

In light of the above it is concluded that the proposed development would comply with Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and emerging Sites and Policy SP26 'Out-of-Centre Retail Parks and Other Out of Centre Developments'.

Design issues and impact of the proposed extensions

The proposed development of the site involves the addition of a single storey building to form this retail unit to the north of the existing public House, The Cutler.

In terms of general design issues Policy CS28 'Sustainable Design' of the 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 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.

Development should protect or contribute to securing a healthy and safe environment, including minimising opportunities for crime, the risk of terrorism and addressing any specific risks to health or safety from the local environment. Encouragement will be given to incorporation of Secured by Design principles in new development and in the design of public spaces."

The NPPF notes at paragraph 56 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."

The extension would be located to the north of the public house and would have a flat roof with a false roof to the front. The extensions would be constructed of brick and are considered to appear subserviently to the main building which is a large two storey public house.

The single-storey extension has been located towards the rear of the site which will ensure that the new buildings will remain in proportion with the character of the surrounding area.

The new extension would clearly appear as a shop unit with its full height shop windows to the front elevation, in contrast to the design of the public house. However, it is considered that its commercial appearance would not harm the overall character and appearance of the public house or the streetscene of Nursery Road, which it would appear within. Though the building would be flat roofed this would not appear prominent

within the public realm with the front parapet roof detail providing an appropriate design feature in the streetscene.

With regards to the layout of the proposed development it is noted that the site in question is relatively small with The Cutler Public House retaining a section of their existing beer garden to the north of the proposed store. This beer garden area would remain in the ownership and management of the public house and would remain part of their licensed premises as a beer garden.

The Council have requested that Tesco's engage in negotiations with the owners of this land to include it within their site and therefore their control. However, Tesco's have confirmed that the owner is unwilling to sell this land to them and wishes to retain it as part of the licensed public house premises.

Whilst this is noted, it is considered that the proposed ownership arrangement creates a poor and unsatisfactory layout by physically disconnecting this beer garden area from the licensed premises of The Cutler public house. This would lead to users of the public house having to walk past the store premises with their drinks and the staff of the public house being unable to provide adequate surveillance of their beer garden.

It is noted that neighbouring residents have raised concerns about the possibility for anti-social behaviour occurring from the beer garden as the site would be remote from the public house and would not be overlooked by the store. The poor layout arrangement does not provide any surveillance of this site from anywhere but the car park and it is considered that managing this beer garden would be impractical and difficult for the operators of the public house.

As such, it is considered that planning permission should be refused for the poor layout as the development would fail to contribute to securing a healthy and safe environment, including minimising opportunities for crime which is directly contrary to Core Strategy Policy CS28 'Sustainable Design'.

Impact on neighbouring amenity

In terms of neighbouring amenity the following policy are considered to be of relevance:

Policy SP12 'Development in Residential Areas' states that "Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

Non residential uses will be considered in light of the need to maintain the housing land supply and normally only permitted where they:

- e. Are ancillary and complementary to the residential nature and function of the area; and
- f. Are no larger than is required to meet the needs of local residents; and
- g. Will not have an unacceptable impact on the residential amenity of the area; and
- h. Demonstrate how they will be of benefit to the health and well-being of the local population."

In terms of neighbouring amenity it is noted that the applicants have submitted a Noise Impact Assessment which concludes that there would not be any noise nuisance from the site subject to recommendations. Environmental Health have considered the

submitted noise report and have concluded that the applicant should erect an acoustic fence along the boundary of the site between 1 Nursery Road and 1a Nursery Road. The applicant has agreed to provide this and acoustic fencing could be conditioned to any planning permission approved for the scheme.

However, it is noted that the layout of the site is somewhat contrived with part of the former beer garden being retained for use by the Public House in spite of being disconnected from it. It is noted that the Council has received a number of representations from local residents who raise concerns about potential anti-social behaviour occurring from this layout and querying how this area would be monitored and controlled.

These comments are noted and it is considered that the layout of the site is poor and this physical disconnection between the public house and its beer garden area, which is located in excess of 30 metres from the public house's entrance, is both impractical and undesirable.

The layout does not allow for adequate surveillance of the beer garden area from the public house and it is considered that this could lead to problems in terms of noise nuisance and potential anti-social behaviour. Whilst this would be an issue for the management of the public house and not the occupants of the proposed retail unit to control, it could create problems for neighbouring residents nonetheless. It may be the case that the disconnection of the beer garden from the licensed premises would render it somewhat obsolete and largely unused though there is no means of being able to control this by way of condition as this land falls outside of the ownership of the applicant and therefore the control of the Council.

As such, it is considered that this poor layout could lead to problems in terms of noise and disturbance and potential anti-social behaviour for local residents contrary to emerging Policy SP12 'Development in Residential Areas'.

Highway impact

The Council's Highway Engineers have noted that the existing Cutler Public House will continue to operate and the applicant has confirmed that the existing public house and the retail unit will share the proposed car park and will both have the use of the accesses / egresses to Nursery Road and Woodsetts Road.

The trip rates that the applicant has suggested in the Transport Statement seem relatively robust, most will be pass-by trips rather than primary trips and therefore would be expected to have little impact on the local network. It is likely that there may be a few linked trips to the public house, though these would be a very minor component.

It is noted that the Applicant has confirmed that the retail shop and public house will share the proposed car parking facilities. Which consist of 27 No car parking spaces are to be provided, 3 of which are disable spaces. A car parking accumulation survey has been provided which has taken actual figures from a survey of the existing public house and predicted figures for the retail unit from the TRICS database which compares the proposal to similar sites. The Car Parking Accumulation survey has concluded that at the peak 25 No car parking spaces would be required. Accordingly, the proposed level of car parking is accepted.

The proposed store is in a location with a high density of residential housing within a 400m walking distance. The footway network in the area is generally of good quality, catering for current demand. The additional pedestrian trips to the new store can be accommodated within the current capacity.

With regards to deliveries and on site manoeuvring the Transport Statement includes a Delivery Management Plan which should be implemented and adhered to at all times. The applicant has also confirmed that the cages which are used to deliver to the site will be wheeled through the store, emptied and then folded and stored to the rear of the shop.

It considered that the proposed development is acceptable in highway safety terms subject to recommended conditions, which includes that the car park is suitably laid out and surfaced in accordance with the approved details and the Delivery Management Plan submitted by the applicants is implemented and adhered to at all times.

Other issues raised by objectors

The Council has received a very large number of objections from local residents many of which relate to the effect on local businesses from the proposed Tesco store. These comments are noted; however, the impact on competition on existing retailers is not a material planning consideration and cannot be taken into account in regards to this application.

Other issues have been raised stating that there is no requirement for this additional store and that other alternative more suitable sites are available. Whilst this is noted, it is considered that the site is considered to be appropriate in principle and the application has to be considered on its own merits and other alternative sites cannot be taken into consideration.

Other additional objections were raised about the possible devaluation of house prices in the local area from the development. Whilst this is noted, it is not a material planning consideration and therefore cannot be taken into account.

Conclusion

It is considered that the scale and principle of the retail development is acceptable in this location as it would serve the local community. It is considered that the proposal is acceptable in highway safety terms subject to the recommended conditions. However, it is considered that the layout of the development, by disconnecting the beer garden from The Cutler Public House, would lead to anti social behaviour contrary to Core Strategy Policy CS28 'Sustainable Design' and emerging Policy SP12 'Development in Residential Areas.'

As such it is recommended that planning permission be refused for the following reason.

Reason

01

By disconnecting a licensed beer garden area from the adjacent public house, the proposed layout of the store would fail to secure a safe and secure environment and would fail to minimise the opportunities for anti-social behaviour, which could lead to

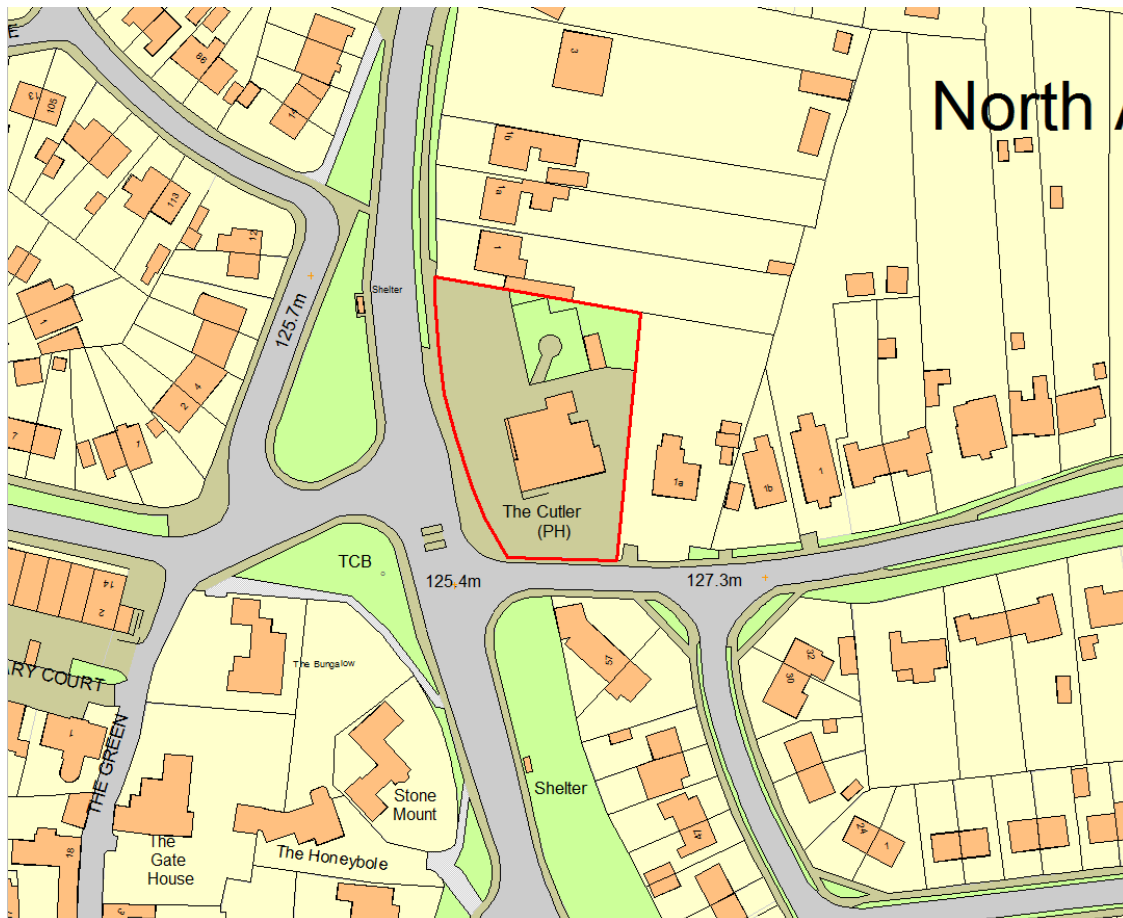
harm to the amenity of neighbouring residents contrary to Core Strategy Policy CS28 'Sustainable Design' and emerging Sites and Policy Document Policy SP12 'Development in Residential Areas'.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. However, the applicant was unable to make the amendments possible to make the scheme acceptable so it was considered to be contrary to the principles of the National Planning Policy Framework.

| | |
|------------------------------|---|
| Application Number | RB2015/0779 |
| Proposal and Location | Display of 1 No. illuminated fascia sign and various non illuminated and illuminated signs at Land adjacent to The Cutler PH Woodsetts Road North Anston for Tesco Stores Limited |
| Recommendation | Grant subject to conditions |

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



Site Description & Location

The site of application is land to the north and immediately to the side of The Cutler public house, on land that is currently part of the beer garden. The Cutler public house sits in a large plot with car parking to the front and south of the site and is located on the junction of Woodsetts Road and Nursery Road (B6060). The site is located close to the local centre of North Anston which is located across the road from the site on Quarry Lane. The immediately surrounding area is residential with a bungalow immediately to the north of the property with residential properties to the east on Woodsetts Road.

Background

There is considerable planning history to the site in relation to it being a public house. The most relevant planning applications are as follows:

RB2014/0252: Single storey side & rear extension with external alterations and associated works - GRANTED CONDITIONALLY 25/04/14

RB2014/0582: Non-material amendment to application RB2014/0252 for removal of Condition 06 - GRANTED 29/05/14

RB2015/0777: Single storey side & rear extension to existing building to form A1 retail unit including ATM and associated works - Undetermined

Proposal

The proposals relate to the installation of signage for the proposed Tesco Store on Woodsetts Road, North Anston. This application accompanies the planning application for the store which is being considered separately from this application.

The proposals are as follows:

The installation of 1 No. internally illuminated box fascia sign to the front of the store. The sign would measure 7 metres in width 0.9 metres in height with a projection of 0.1 metres.

A free standing pub style sign would be located at the entrance point to the store on Nursery Road and would measure 3 metres in height and would measure a maximum width of 0.8 metres. The sign would be externally illuminated with trough down lighters.

Internally illuminated ATM which would have a surrounding graphic measuring 2 metres x 0.9 metres.

Non illuminated vinyl sign on shop window measuring 1.3 metres x 0.6 metres.

Non illuminated vinyl window sign measuring 1.3 metres x 0.6 metres.

Non illuminated vinyl window graphic measuring 1.5 metres x 1.3 metres.

Non illuminated free standing pole mounted welcome sign located at entrance on Nursery Road measure 1.5 metres in height with the signage measuring 0.8 metres x 0.7 metres.

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).

The application site is allocated for Residential Use in the adopted UDP and it is proposed to retain its Residential allocation in the emerging Sites and Policies Document. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):
CS28 'Sustainable Design'

Other Material Considerations

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

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

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

The Core Strategy Policy referred to above is consistent with the NPPF and has been given due weight in the determination of this application.

Publicity

The application was publicised by letter to neighbouring residents and by Site Notice. The Council has received 84 separate representations objecting to the application though the vast majority of the comments related to the corresponding planning application and did not specifically raise objections to this Advertisement Consent application. The following comments have been received in respect of the proposed advertisement signs at the site.

- The level of illumination and the appearance of the signage would harm the character of the local area.
- The signage could lead to light pollution in the local area.

Consultations

RMBC - Transportation and Highways Design – No objections.

Appraisal

Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that Local Planning Authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

Paragraph 67 of the NPPF states that: “Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

The main considerations in the determination of the application for signs at the site are:

- Design and Appearance of the proposed signage
- Neighbouring amenity
- Highway safety.
- Other issues raised by objectors.

Design and Appearance of the proposed signage:

The National Planning Practice Guidance (NPPG) notes that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. It adds that it is, however, a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

In this instance the site is located in an established residential area within the village of North Anston and the signage would relate to a proposed retail store which is being considered separately under planning application RB2015/0777. The area immediately surrounding the public house is mainly residential with The Cutler Public House located immediately adjacent to the site.

The area is mixed between the existing and established public house and residential and is not considered that the signs by virtue of their size and location would have any detrimental impact on the character of the area.

Neighbouring amenity:

With regards to the amenity of neighbouring residents it is noted that the signage would front the road with the illuminated pub style sign being located adjacent to the highway. It is not considered that the level of illumination of the signage would harm the residential amenity of neighbouring residents.

It is noted that a neighbouring resident has raised concerns about the level of illumination on the amenity of neighbouring residents. Whilst this is noted it is considered that the level of light pollution from the signage would not be harmful in the streetscene over and above the existing street lighting.

Highway safety:

The NPPG states: "All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline."

The NPPG then sets out the main types of advertisement which may cause danger to road users, including:

- those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway;
- those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature;
- those externally or internally illuminated signs where the means of illumination is directly visible from any part of the road which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather.

Whilst the proposed signs will be visible from Nursery Road they are relatively modest in size and number and commonplace on similar retail establishments throughout the Borough and are considered acceptable in highway safety terms. It is noted that the Council's Transportation Unit have raised no objections to the proposal from a highway safety perspective.

Other issues raised by objectors

It is noted that the Council has received a large number of objections from neighbouring residents about this application. Whilst these are noted the objections almost entirely relate to the corresponding planning application for the proposed store. This is the subject to a separate application and these matters raised will be fully taken in consideration in this application which is under separate consideration by Members.

Conclusion

The proposed signage is considered to be acceptable in this location where it is not considered to be detrimental to the visual amenity of the surrounding area or to be so distracting to motorists as to be detrimental to highway safety. It is also considered to be acceptable in terms of residential amenity. Therefore the proposal is considered to be in accordance with the guidance contained within the NPPF and NPPG.

As such, it is recommended that Advertisement Consent is granted.

Conditions

None recommended.

Informatives

01

This advertisement consent grants express consent for a period of five years unless there is an alternative specific time limit condition imposed. After this time, the advertisement will continue to benefit from deemed consent and it is not necessary to re-apply. The Local Planning Authority can serve a Discontinuance Notice against such deemed consents if circumstances change and it is considered necessary to do so.

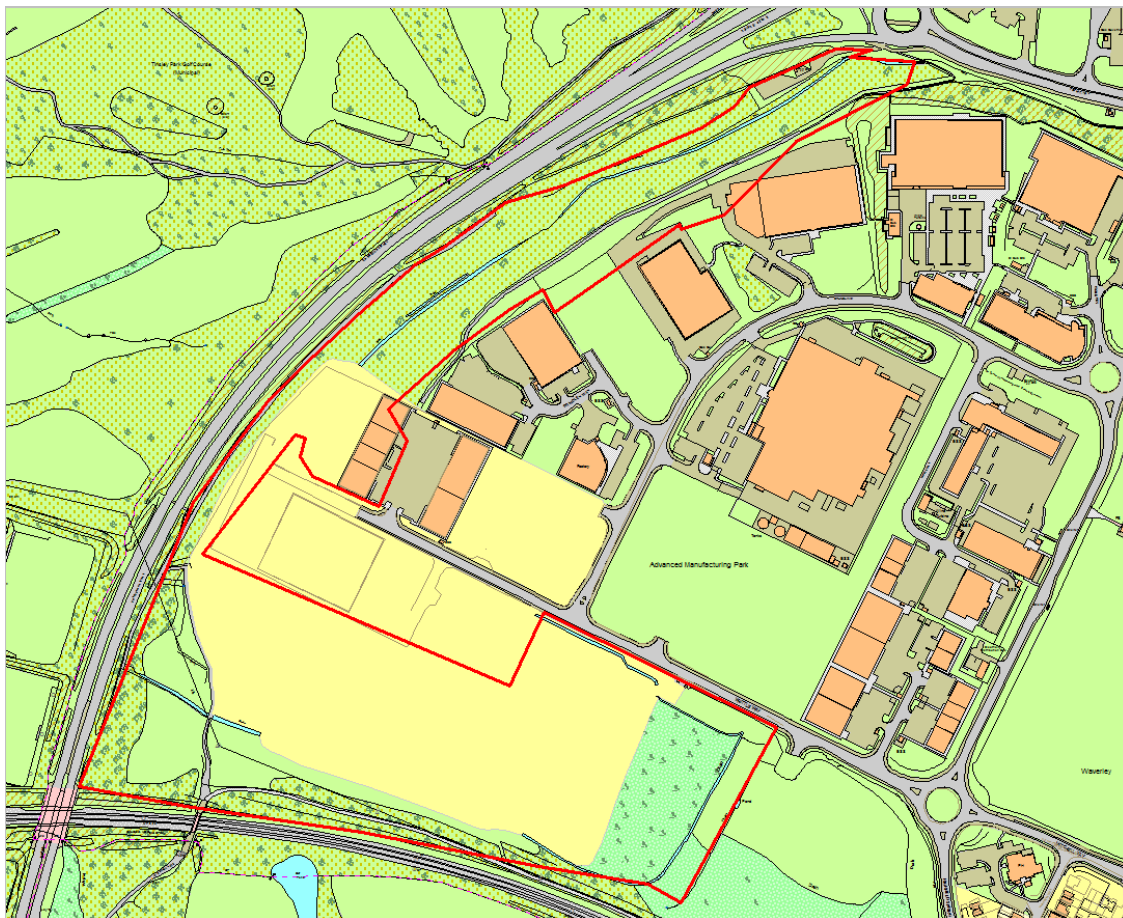
This consent is also subject to the standard conditions contained in Schedule 1 to the Town and Country Planning (Control of Advertisements) Regulations.

02

This consent does not authorise any development required under the Town and Country Planning Acts, which must be applied for separately.

| | |
|------------------------------|---|
| Application Number | RB2018/0361 |
| Proposal and Location | Outline planning application for up to 40,000 sqm of Class B1, B2 and B8 floor space with all matters reserved except for details of structure landscaping along the Sheffield Parkway (A630) frontage at land adjacent to the Advanced Manufacturing Park, High Field Spring, Waverley |
| Recommendation | Grant subject to conditions |

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



Site Description & Location

The application site extends to some 14.5ha and forms part of the wider Waverley development and more specifically the Advanced Manufacturing Park (AMP). The site currently comprises of vacant land that has recently been restored and engineered to provide development platforms to accommodate future development. It is bounded to the north west by the Sheffield Parkway (A630), a railway line to the south and the existing units on the AMP to the north and east. Mature landscaping exists along the southern boundary screening the site from the railway line.

Future vehicular access to the site can be gained via an extension to the existing Whittle Way.

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 10,000m² of buildings are occupied), condition 23 (highway improvements to Poplar Way & Big W Roundabout to be made before 10,000m² of buildings are occupied) and condition 29 (bridge for footpath/bridleway over Sheffield Parkway to be provided before 10,000m² of buildings are occupied) and imposed by RB2003/0046 to allow 23,225m² 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.

RB2012/1416 - Engineering works to form level development plateau – Granted Conditionally 17/12/2012

RB2015/1429 - Phased engineering works to form level development plateaus – Granted Conditionally 02/02/2016

RB2017/0567 - Non-material amendment to application RB2015/1429 to achieve a level development platform – Granted 24/04/2017

EIA Screening Opinion

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

Proposal

The proposals seek to provide an extension to the current AMP. The application is submitted in outline and proposes flexible business, manufacturing and office floorspace (within Use Classes B1, B2 and B8). An upper floor limit of 40,000 sq m is proposed (5% of which is proposed to be B1a office use).

Whilst matters of access, layout, scale, appearance and plot landscaping are reserved for future consideration, details have been submitted relating to the structure planting along the A630 Sheffield Parkway along with a timescale for implementation. Additionally an indicative masterplan has been submitted to show how the proposed floorspace could be potentially accommodated on the site and how the development is able to link into the existing road infrastructure. This masterplan shows the floorspace distributed amongst a series of 12 additional units.

Access to the site is shown indicatively via an extension to the existing Whittle Way and a new access road running parallel with the site boundary and the A630 Sheffield Parkway.

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 by different modes of transport and provides easy access within the wider site curtilage. The application provides indicative details of associated access, scale, parking, 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.

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.

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.

Biodiversity Survey and Report confirms there are a number of statutory and local wildlife sites within 2km of the boundary. No negative impact is expected on any of them as a result of the proposals. The report recommended that any vegetation clearance should be undertaken outside of bird breeding season and any impacts as a result of increased lighting should be mitigated by implementing a sensitive lighting regime.

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):

- CS3 Location of New Development
- CS9 Transforming Rotherham's Economy
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS21 Landscape
- CS25 Dealing with Flood Risk
- CS28 Sustainable Design

Unitary Development Plan 'saved' policy(s):

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

Publication Sites and Policies - September 2015 policy(s)

- SP16 Land Identified for Industrial and Business Uses
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP47 Understanding and Managing Flood Risk and Drainage

Other Material Considerations

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

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

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

Publicity

The proposal was advertised in the press, on site and via letters to adjacent occupants. One letter of representation has been received which is summarised below:

- Traffic surveys were undertaken on Friday 4th November 2016. Fridays are not considered a survey period due to typically being non-representative of typical traffic conditions. From experience, traffic flows in this particular locality are typically lower on a Friday. Guidance regarding appropriate survey periods are provided in Ministry of Housing, Communities; Local Government Guidance Note Transport Evidence Bases in Plan Making and Decision Taking and states that Mondays to Thursdays can be neutral. The baseline traffic surveys and future forecasts are therefore likely under-representing trips that likely to be on the network.
- The future Year traffic forecasts do not allow for trips associated with the Waverley Local Centre. This was a committed development at the time of writing the Transport Assessment and should be included. The future year forecasts are therefore again further under-representing trips likely to be on the network.
- Finally, no adjustment has been made within the ARCADY models to account for unequal lane usage. To give one example of the implications of this from the Transport Assessment, in Table 4.5 for the Highfield Spring / Brunel Way junction shows that in the 2022 Do-Something PM scenario Highfield Spring North is forecast to operate at 0.62 RFC. The ARCADY outputs in Appendix C show the intercept (pcu/min) for this arm is 31.778, which accounts for the arm geometry including an 8m (2 lane) entry width. Without manual adjustment ARCADY assumes the full capacity of an arm can be utilised. However, modelled turning movements show that 97% of traffic from this arm is forecast to turn left onto Highfield Spring South, which is via the nearside lane only. This already shows that effectively only 1 of the 2 entry lanes will be used, and that ARCADY is therefore over-estimating actual capacity of the arm. Following the above referenced guidance on accounting for unequal lane usage on a flared approach, keeping all arm geometries the same but reducing the entry width to a 4m entry to reflect a single lane gives an intercept of 21.182 pcu/min. The total arm flow is forecast to be 17.71 vehicles per minute, of which 17.18 (97%) are turning left. The intercept weighting factor is therefore 1.03 (17.71/17.18) giving an adjusted arm intercept of 21.84 (21.182*1.03). A capacity adjustment of -9.9 pcu/min should therefore be applied to this scenario (31.778-21.84) within ARCADY. With this capacity adjustment applied, which reflects the actual capacity of the arm where 1 lane is barely used, means the RFC should be forecast at 0.9, not 0.62.

Consultations

RMBC - Transportation and Highways Design acknowledge that the TA shows that the development will have some effect on local traffic. However, it is in a sustainable location with good walking, cycling and public transport infrastructure. With proper attention to travel planning details and public transport provision, the site can be developed with a minimum impact on the local highway network. Accordingly no objections are raised to the proposed development subject to appropriately worded conditions.

RMBC – Drainage acknowledges that the application is in outline form and the siting of future buildings is reserved for future consideration. Nevertheless there are 2 distinct areas with very different drainage characteristics which will need to be considered at a future date when the locations of these buildings have been determined. Suitably worded conditions are recommended to address this point and subject to additional information being submitted at Reserved Matters stage, no objections are raised to the outline application.

RMBC - Landscape Design originally raised concerns regarding the large scale clearance of structure planting along Sheffield Parkway with little replacement planting, however following the submission of amended plans and additional information which provides adequate mitigation and suitable enhancement, these concerns have been alleviated. Accordingly no objections are raised subject to suitably worded conditions.

Consultant Arboriculturalist (on behalf of Trees and Woodland Manager) has assessed the content of the Arboricultural Impact Assessment in line with the submitted landscape plans and raises no objections to the removal of selected trees and vegetation along the Sheffield Parkway frontage.

RMBC – Ecologist accept the findings and conclusions contained within the submitted Extended Phase 1 Habitat Survey. Accordingly no objections are raised subject to suitably worded conditions requiring the provision of sensitive lighting schemes and provision of nesting/roosting opportunities.

RMBC - Environmental Health – raise no objections to the proposed development subject to a condition requiring the submission of a noise assessment with all future reserved matters applications.

RMBC – Public Rights of Way – have confirmed that from an access perspective they have been working with the landowner in accordance with the Access Action Plan for the site and will be seeking to secure an equestrian route through the site.

Highways England initially issued a holding recommendation based on the impact of development on J33 of the M1, however following the submission of additional information in the form of observed trips and a condition requiring the submission of a revised Travel Plan the holding recommendation was removed and 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.

Yorkshire Water – raise no objections to the proposed development subject to a condition requiring the development to be carried out in accordance with the details contained within the Flood Risk Assessment.

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
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- Air Quality Considerations
- General Amenity Issues
- Geotechnical Issues

The Principle of Development

The application seeks outline consent for up to 40,000 sqm of flexible B1, B2 and B8 employment floorspace. Paragraph 1.2 of the supporting planning statement states that the development will provide high-quality business, manufacturing and ancillary office floorspace. Paragraph 2.3 further clarifies that it is proposed that the ancillary office floorspace will be 5% of the total floorspace, which equates to 2,000 sqm.

The Sites and Policies document has been through public examination and is due to be considered for adoption by the Council on the 27th June 2018. Given the stage of plan preparation the Council considers that significant weight can be given to the draft policies in line with paragraph 216 of NPPF.

The site is allocated for business and industrial use in the UDP. It is also identified as a business and industrial use allocation in the Publication Sites and Policies document, with the site being identified as a development site under Policy SP 1 Sites Allocated for Development. Policy CS 9 Transforming Rotherham's Economy supports proposals which protect viable employment sites and target priority sectors including Advanced Manufacturing and Materials. In particular the policy encourages the development of an Advanced Manufacturing cluster at Waverley by supporting proposals for complementary uses.

The proposed uses are in line with UDP Policy EC3.1 Land Identified for Industrial and Business Use with the exception of the office floorspace. Draft Policy SP 16 Land Identified for Industrial and Business Uses states that:

Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposals satisfy the requirements of Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy.

In this instance it is considered that the proposed limit of 5% of the floorspace to be used for office purposes is acceptable, recognising the role that such floorspace would have as part of supporting other B1, B2 and/or B8 uses, and recognising that office floorspace can itself support the ongoing development of the Advanced Manufacturing Park. It was therefore agreed that there was no requirement to undertake the sequential test in this instance.

Notwithstanding this the planning statement failed to recognise the impact test requirements for the proposed office floorspace derived from NPPF and Core Strategy Policy CS12. Policy CS12 makes clear that for office development of 500 sqm gross or above proposed in edge of or out of centre locations such as this, that an impact assessment will also be required. Given the scale of office floorspace proposed this requirement is triggered and the applicant was requested to undertake this work in the form of a Main Town Centre Uses Statement.

This report assesses the impact of the proposed office space on the vitality and viability of nearby centres which include Swallownest, Woodhouse and Darnall. The assessment was informed by a visit and analysis of these centres and overall, the applicant concludes that the impact of the proposed office floorspace at the AMP on these centres would be entirely minimal in scale and nature and would not undermine their current or future vitality and viability.

Having regard to the methodology, assessment and conclusions of the report and taking into account of Paragraph 27 of the NPPF, which advises that such schemes should only be refused if the impact is significant adverse in nature, it is considered that the proposed office floorspace is acceptable. This is especially the case given the positive benefits it will have in terms of securing the future success of the AMP, the generation of high value jobs and the ongoing emergence of the Advanced Manufacturing and Innovation District (AMID).

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.

Transportation Issues

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

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

Emerging Local Plan Policy SP29 'Sustainable Transport for Development' states that: "Development proposals will be supported where it can be demonstrated that:

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

The Council expects that other measures to increase and encourage sustainable travel and movement habits through travel plan incentives, such as: bus service enhancements, bus priority schemes, improved or additional bus services, better information and subsidised ticketing, multi modal multi operator, cross boundary travel, are provided. Improvements to existing and new infrastructure, ensuring that any public transport stops are easily accessible by active means, and that opportunities to further enhance walking, cycling and appropriate measures to promote inclusive access, will be sought as appropriate."

Paragraph 34 to the NPPF further notes that: "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised."

The application is supported by a Transport Assessment (TA) and Travel Plan (TP) which amongst other things considers the application in the context of trip generation, traffic impact and sustainability.

Having regard to trip generation, the proposed development is based on the gross floor area (up to 40,000 sq m of B1, B2 and B8 uses). This indicates that some 316 No. two

way trips in the AM peak and some 224 No. trips in the PM peak can be expected. However, when trip generation using rates observed in 2016 are used, the number of trips is reduced to 202 No. (AM) and 86 No. (PM). The impact on traffic on the A630 Parkway is therefore likely to be much less than initially indicated in the TA.

The impact on J33 M1 was estimated using count data at the Poplar Way/A630 junction collected in 2015. This analysis indicates that the increase in two way flows on the Parkway, to and from J33, will be 41 No. in the AM peak and 13 No. in the PM peak. Highways England have confirmed that the use of count data to assess the impact on J33 is an acceptable approach and whilst the submitted information has highlighted some deficiencies within the calculations, the conclusions based upon the lower observed trip rates indicate that the impact at M1 Junction 33 would be acceptable. This is however dependent on the count data rates being achieved, which will be done through a robust Travel Plan incorporating appropriate targets and consequences should these targets not be achieved. These measures and targets are described in the proceeding paragraphs of this report.

Turning to the impact of the development on the local highway network, an assessment of various junctions has been carried out. The Highfield Spring/Brunel Way/Wallis Way roundabout is shown to function well under current conditions and is considered to be capable of accommodating the development traffic in 2022. The Highfield Spring/Whittle Way/Mitchell Way roundabout will continue to function past the development year and there appears to be additional capacity remaining. Lastly the Highfield Spring/Highfield Lane roundabout will continue to operate within capacity in 2022 with the development.

Having regard to the layout of the proposed development, whilst details of access are not submitted for consideration, an indicative masterplan accompanies the application. In this respect, the extended road network should be designed and constructed to adoptable standards. A turning head capable of accommodating a large commercial vehicle will be required in the vicinity of unit 11. Links to the existing cross border cycle route should also be provided, together with footpath links to the existing network. Sight lines will be required at all private accesses.

The indicative layout also states that 482 car parking spaces will be provided to support 40,000sqm of development. This quantum of parking is just above the mean number allowable under any scenario of mixed B1/B2/B8 uses; however the exact detail would be worked up when determining future applications for reserved matters. For cyclists, the B1 element would require 10 No. cycle parking spaces and the remaining cycle parking requirement ranges between 38 and 190 spaces across all plots. Again this detail would be considered when determining future applications.

Having regard to pedestrian accessibility and public transport, it is noted that pedestrian links in the area are good. A dedicated crossing across Highfield Spring, serving the recently approved mixed use centre and bus stops will be provided as part of this development. Public transport accessibility of the site is also relatively good with reasonably frequent services to all major destinations in the area. A bus stop is located close to the development on Highfield Spring which is considered to be an acceptable walking distance from the application site.

Turning to Travel Plan (TP) measures, the submitted TP recognises that there is no single measure that will provide an alternative to the private car for the variety of trips

they would expect to be made to and from the employment site. As such, a range of measures have been identified that seek to provide travel options for the majority of staff trips. It is also recognised that as measures are put in place, some will be found to provide greater benefits than others and it is necessary to ensure that the TP is not too fixed towards the delivery of set measures and is flexible enough to react to changes over time.

The TP also requires flexibility to adapt to new technologies and/or new sustainable travel incentives that might become available over the life of the TP. As such, measures may be implemented in the future that are not identified at this stage. The following items have been identified by the TP as part of an overall package of measures that will be implemented:

- Information: Including travel packs, links to various public transport and walking/cycling maps, annual newsletters and promotion of local and national events;
- Car Share: Including an employee car share scheme which will be established in addition to raising awareness of existing car share schemes;
- Parking Provision: Such as cycle parking facilities and consideration of designated car parking areas available to members of the car share scheme;
- Cycling: Encouragement of this, periodic on-site cycle training and maintenance courses and cycle network which provides links to adjacent communities and existing cycle routes; and
- Public transport: Provision of public transport route maps and an investigation into offering staff loans for season tickets.

Such a range of measures are welcomed by Highways England, in an attempt to reduce reliance on cars and encourage the uptake of alternative forms of travel, which in turn is likely to reduce the number of vehicles travelling on the SRN. Specifically, the promotion of a car share scheme is welcomed by Highways England. The uptake of this scheme would likely be improved by the provision of pool cars for staff who require a car for company business appointments and/or meetings and the provision of car share spaces close to the building entrances.

Highways England and the Council's Highways department have reviewed the content of the TP and consider that the aims and objectives stated appear appropriate as thorough measures, such as increasing travel choice. This can contribute to reducing the reliance on single person occupancy car use by employees at the site, which is in Highways England's interest. Nevertheless further work needs to be undertaken by the applicant as follows:

- incentivise travel to the site on foot;
- implementation of pedestrian crossings;
- new proposals to encourage cycling,
- details relating to travel patterns, and
- further detail as to how the target to achieve a year on year increase in the number of staff who may be car sharing or cycling to the site will be achieved.

Having discussed these points with Highways England it is considered that it would be appropriate to request this additional information in the form of revised Travel Plan prior to the submission of the first Reserved Matters. Accordingly, it is recommended that an appropriately worded condition be attached to any future planning permission which will

safeguard any impacts on the local and strategic highway network whilst also promoting sustainable modes of travel.

Turning to the matters raised within the letter of representation the surveys were originally commissioned in response to problems experienced at the Morrison's Roundabout which were at their worst on Fridays with peak hour and lunchtime peak hours being of primary concern. As this was then the most sensitive time of the week and busy due to the run up to Christmas, it was felt that it forms a suitable basis for the assessment of traffic, particularly as growth from TEMPRO has been applied to the figures. The Council are aware of guidance, however in many cases this does not address local problems and therefore a different approach is taken. The Council have other counts in the area that indicate that the 4th November count does not under-represent traffic.

Wider impact assessments of the full AMP proposals have been undertaken both for the original AMP application and as part of the more recent applications for Waverley New Community and the Highfield Commercial development. These have been incorporated in the current application.

The Council are aware of the limitations of ARCADY with reference to unequal use of approach lanes and the junction in question will be modified in the future as part of already agreed mitigation measures for the wider Waverley site. The comment does not take into account the wider picture of measures that have been agreed outside the scope of the current planning submission.

The example quoted in the comment referring to the PM peak operation of the Brunel Way/High Field Spring roundabout assumes that the two lane entry on the southbound approach needs to have equally distributed traffic, however observation over the last 3 year indicates that the ahead movement onto Highfield Spring South is rarely opposed. This means that it operates as a virtual free-flow making the modelled lane width almost immaterial. The overall capacity constraints of this roundabout are one reason why other mitigation measures have already been agreed to be necessary.

Having regard to all of the above, the TA shows that the development will have some effect on local traffic. However, it is in a sustainable location with good walking, cycling and public transport infrastructure. With proper attention to travel planning details and public transport provision, the site can be developed with a minimum impact on the local highway network. Accordingly, the development is considered to be acceptable in transportation and highway terms and as such accords with the provisions of Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel, Emerging Local Plan Policy SP29 'Sustainable Transport for Development' and Paragraph 34 of the NPPF.

Drainage and Flood Issues

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

Furthermore emerging policy SP50 'Understanding and Managing Flood Risk and Drainage' indicates that "The Council will expect proposals to:

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

Major developments of more than 10 dwellings, or more than 1,000 square metres of floorspace should comply with Defra Sustainable Drainage Systems Non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) and the South Yorkshire Interim Local Standards for Sustainable Drainage Systems (May 2015), or any future documents which supersede them.”

The application is accompanied by a Flood Risk Assessment (FRA) which demonstrates that the site lies within Flood Zone 1 (i.e. land assessed as having less than a 1 in 1000 year annual probability of river flooding) on the Environment Agency’s flood risk map, and there are no other significant flood risks that will adversely impact on the development. The Assessment further states that the southern part of the site is generally flat as it is part of the restored mining site. The north-eastern part of the site falls to the north east towards the Poplar Way roundabout. There is a watercourse alongside the north-eastern boundary of the site that only takes land drainage. There are no historical records of any flooding within the application site and it is proposed to discharge surface water from the north-eastern part of the site to the watercourse mentioned above. Surface water runoff from the southern part of the site will be discharged to the surface water sewer in Brunel Way/Whittle Way. Foul flows from the north - eastern units will be discharged to the existing Yorkshire Water gravity sewer that flows to a pumping station by the A630. Foul flows from the rest of the units will be discharged to the existing foul sewer in Brunel Way/Whittle Way.

Having considered the content of the submitted FRA, the Council’s drainage engineer has assessed the submitted information and has confirmed that there are 2 distinct areas with very different drainage characteristics. The FRA submitted in support of the application will need to be updated for the reserved matters applications when the location of the new buildings and infrastructure are fixed. Nevertheless it is considered that the site can be appropriately drained and subject to the submission of additional information at Reserved Matters stage, which will be secured via appropriately worded conditions, the proposed development is considered to accord with the provisions of Policy CS25 ‘Dealing with Flood Risk’ and emerging Policy SP50 ‘Understanding and Managing Flood Risk and Drainage’.

Landscape and Ecology

With regard to Landscape and Ecology matters, Policy CS19 ‘Green Infrastructure’, states “Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- b) Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.

Additionally, 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.

Furthermore, emerging plan policy SP35 is designed to ensure that new development pays due regard to the protection, enhancement, creation and management of green infrastructure in the Borough, including the landscape. Such an approach accords with relevant policies and guidance in the CS and the NPPF

This application is outline but includes the structural planting with all other matters reserved for future consideration. Individual plot landscaping will be the subject of subsequent reserved matters applications. Having regard to this, the site development guidelines as set out in the Sites and Policies DPD state *'An attractive landscape setting with appropriate planting and incorporating the bridleway shall be provided along the boundary to the A630 Parkway. Vegetation along the southern boundary to the railway line shall be retained unless agreed in writing with the Local Planning Authority.'*

To address this requirement a strategic landscape masterplan and supplementary detailed strategy drawings have been provided which set out the vision for future detailed landscape proposals. These have been amended during the application process to reflect comments received from the Council's landscape design team. Additionally, the application is supported by a full Arboricultural Report and Impact Assessment which assesses the impact of the removal of trees and vegetation in the area.

The revised proposals show three distinct landscape character structure areas around the AMP extension land which include the following:

Retained and Improved Woodland:

This area retains the existing high value mature woodland area adjacent to the Parkway slip road and proposed units 10-12. This area of the application site will be retained as a woodland area which will have an enhanced pedestrian route through it. The woodland group to be retained will be enhanced through continued management.

Structure Landscaping creating Key Views:

This area is referred relates to the remainder of the Sheffield Parkway boundary. Prominent tall individual trees will be retained with their crowns raised to 3m high to ensure views through to the AMP. New tree planting is proposed to form parkland groups. Understorey species are proposed to be selectively removed and the species retained to be cut to 1m in height to form a shrub layer. Further understorey shrub layer planting is proposed to form structure to the proposed planting and to frame the views into the AMP site. The shrub layer together with species rich grassland will help form a

'parkland setting', whilst a ribbon of mown amenity grass along the development edge will help merge the ornamental plot planting into the boundary structure planting.

New Semi Woodland Cycle path:

This area located along the southern boundary, adjacent to the railway line. The existing railway woodland and screening are proposed to be retained and further new woodland group planting is proposed to mitigate the tree removal along the Parkway. The new tree planting will form a new woodland cycle route and will provide pedestrian access into the development plots.

To achieve the above landscape character areas the Arboricultural Report considers the impact of the removal of existing trees. This Report states that 75 items of woody vegetation, comprising of 33 individual trees and 42 groups of trees or shrubs or hedges were identified during the survey. This content of this report has been appraised by the consultant arboriculturalist who has confirmed that although significant areas of low value trees and scrub are to be removed, this proposal does not require the removal of any high value trees. Existing trees are to be pruned and brought under management, and a large number of additional new trees are to be planted throughout the site.

The key arboricultural features on this site are the roadside groups along Sheffield Parkway to the North, and the groups of trees adjacent to the railway tracks to the West. Both of these features will be enhanced by the landscape proposals submitted and applied for as part of this application, and this will more than compensate for tree removals elsewhere on the site.

Accordingly, no objections are raised to their removal and pruning of the identified trees subject to a condition requiring that retained trees are suitably protected during development.

Having regard to all of the above, the whole of the AMP is within the River Rother Green Infrastructure corridor and as such the existing vegetation is considered a Green Infrastructure Asset and its removal will require mitigation in order to satisfy policies CS19, 21 and SP35. The Council's Landscape Design team have assessed the proposals and considers that the strategic landscape plan provides adequate mitigation and suitable enhancement in order to satisfy these policies. Where possible within the context of the AMID vision the existing vegetation is to be retained and elsewhere retained following focussed management operations to achieve clear views from the Sheffield Parkway Frontage. Where vegetation is to be removed then replacement planting is proposed within the Railway perimeter and elsewhere on site.

Accordingly the structure planting indicated on the landscape masterplan and the level of mitigation is considered acceptable and in accordance with the provisions of policies CS19, 21 and SP35.

Turning to ecology, the application is accompanied by an Extended Phase 1 Habitat Survey. This report confirms that regular surveys have been undertaken on site, the most recent being on the 10th August 2017 with a further ground trothing survey on the 11th December 2017.

The report documents the findings of the survey work and concludes that there are no priority habitats within the application site although there is some potential for protected/priority species to be present. These include foraging and community bats

and breeding/nesting birds. Accordingly it is recommended that any vegetation clearance be undertaken outside of the bird breeding season. Additionally, any impacts as a result of increased lighting should be mitigated by implementing a sensitive lighting regime to minimise the impact on foraging and commuting 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 a sensitive lighting strategy and the provision of nesting/roosting opportunities will ensure that there is no adverse impact on biodiversity as a direct result of the proposed development.

In addition to the proposed mitigation measures it is recommended that development design and landscaping incorporate an appropriate level of biodiversity gain; this will demonstrate compliance with national planning policy and may help to support BREEAM application as is suggested in the design & access statement.

It is therefore considered that in terms of ecological implications the application is acceptable, and the above issues raised can be secured via planning conditions.

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

Air Quality Considerations

The site lies close to the Sheffield Parkway and recently the Government has named Rotherham and Sheffield as one of 23 areas in England where concentrations of Nitrogen Dioxide (NO₂) exceed statutory limits and are projected to continue to do so over and beyond the next 3-4 years. Rotherham MBC is a mandated Clean Air Zone authority.

In particular, the Government's new National Air Quality Plan (NAQP) identifies a number of road corridors in the Sheffield and Rotherham area which are predicted to still be breaching the statutory limit on the annual average concentration of NO₂ by 2021, under a 'Business as Usual' forecast scenario. In particular, Defra's NAQP suggests potential breaches of the 40 µg/m³ limit on the A630 – A57 Parkway (from M1 J33 to City Centre), and sections of the A61 Inner Relief Road. The breaches are caused by road traffic, in particular diesel vehicles.

Access to the proposed development site lies close to the Parkway and therefore through the area identified in the NAQP. Accordingly the applicant was asked to submit an Air Quality Assessment which assesses the impact of the proposed development on the annual average concentration of NO₂ within the area. The 2022 assessment of the effect of emissions from traffic associated with the scheme, has determined that the maximum predicted increase in the annual average exposure to NO₂ at any existing residential receptors is likely to be 0.07 µg/m³ at 37 Highfield Way (R8). The assessment of the significance of the effects of the proposed development with respect to NO₂ exposure is therefore determined to be 'negligible' for all receptors and following the adoption of the recommended mitigation measures, the proposed development is not considered to be contrary to any of the national and local planning policies. These mitigation measures during the operation phase of development include the following:

- For current and future employees, it is important to promote alternatives to single-occupancy car use and Travel Packs will be provided to all employees;
- Links to the various public transport and walking/cycling route maps provided by the Council and Travel South Yorkshire will be promoted. Copies of the route maps should also be included in the Travel Packs;
- Staff will be kept up to date on progress of the Travel Plan through an annual newsletter to coincide with preparation of the Annual Monitoring Report;
- There will also be promotion of local and national events such as bike week, walk to work week and national lift share week;
- An employee car share scheme will be established to match up employees from similar areas and working the same shifts and to encourage car share through demonstrating the potential monetary and environmental savings that can be achieved;
- All employees will also be made aware of the existing car share schemes such as Cars hare South Yorkshire;
- Safe and secure cycle parking facilities will be provided on site; Cycling will be encouraged through the promotion of health benefits and the financial savings that can be achieved;
- The cycle network provides strong links to adjacent communities and existing cycle routes;
- Public transport route maps will be provided to each employee;
- The Travel Plan Co-ordinator will investigate offering staff loans for season tickets; and
- Four electric vehicle “rapid charge” points will be installed on site.

The content of the Air Quality Assessment has been assessed by the Council’s Air Quality Officer who concurs with the conclusions of the report and subject to the implementation of the measures outlined above, which will be secured via a suitably worded condition, does not raise any objections to the proposed development as it will not have a detrimental impact on the concentration of NO² in the area, as required by the mandate.

General Amenity

The site surrounds the existing buildings forming the AMP and parts of the site are in very close proximity to the Sheffield Parkway to the north and west. The application site has recently been restored and engineered to provide development platforms to accommodate future employment units proposed by this application. It is bounded by the A630 (Sheffield Parkway) to the west, the existing development at the AMP to the north and east and an existing railway line to the south.

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.

Having regard to the above it is considered that there is potential for neighbouring businesses or residential properties to be affected by noise and vibration depending on the type of industrial machinery installed and on the acoustic insulation provided to the buildings. No Noise Assessment has been submitted as part of this application as it would be almost impossible to predict what plant and machinery would be required for

each unit given the buildings could be constructed on a speculative basis. In order to address this point it is recommended that a condition be imposed requiring a full Noise and Vibration Assessment to be carried out and submitted in support of all future Reserved Matters applications which will enable a full assessment of impact to be carried out and if required noise mitigation measures to be installed within the fabric of buildings.

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 application, 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 'A number of previous site investigations across the site and wider Waverley area indicates that the presence of opencast backfill extends to at least 25m below ground level (bgl) based on information obtained by RSK in 2017. Information pertaining to the location of the highwall, around the edge of the opencast workings, was also obtained during the 2017 investigation which was evidenced along the north eastern boundary.'

The Coal Mining Risk Assessment (CMRA) has further 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, location of the highwall by intrusive investigation, investigation of possible shallow coal workings and location of existing mine entries.

This information has been assessed by the Coal Authority 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 in outline for 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 and UDP Policies EC1 'Existing Industrial and Business Areas', EC1.1 'Safeguarding Existing Industrial and Business Areas' and EC3.1 'Land Identified for Industrial and Business Uses' which supports B1, B2 and B8 uses.

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 ENV3.1

`Development and the Environment` and 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 level of car parking provision is in accordance with the Councils maximum parking guidelines, and the site is considered to be in a sustainable location with access to public transport. The development is therefore considered to be in accordance with the policies of achieving sustainable development in the NPPF 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 at the reserved matters stage. Turning to landscaping and ecology, it is considered that the site can be appropriately landscaped, subject to the submission of full details with a reserved matters application, and that recommended mitigation measures are appropriate to encourage biodiversity gain at the site. The site has previously been 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 8, 10, 12 & 16 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 8, 10, 12 & 16 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

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

Reason

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

02

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

- Location Plan – 12491-100 Rev B

Reason

To define the permission and for the avoidance of doubt.

MATERIALS

03

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

TRANSPORT

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

Car parking shall be provided within the curtilage of each unit in accordance with the Council's maximum car parking standards.

Reason

In the interests of highway safety.

06

Before the development is commenced road sections, constructional and drainage

details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

07

Prior to the submission of the first Reserved Matters application, an amended Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority and Highways England. The plan shall include clear and unambiguous objectives, modal split and peak hour vehicle targets together with a programme of implementation, monitoring, validation and regular review and improvement but also include details of the method(s) of mitigation to be used if the agreed targets are not met. The Local Planning Authority shall thereafter 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. Once the Travel Plan has been agreed in writing it shall be implemented in full for the lifetime of the development.

Reason

In order to promote sustainable transport choices.

08

Prior to the approval of the first reserved matters a scheme showing cycle linkages between the site and the existing cycling infrastructure to the south of the site and a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The linkages shall thereafter be provided in accordance with the approved details.

Reason

In order to promote sustainable transport choices.

DRAINAGE

09

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage

10

Development shall not begin until details of any alterations to existing land drainage or watercourse have 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' and ENV3.7 'Control of Pollution'.

11

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'.

12

Development shall not 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.

13

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

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

LANDSCAPE

14

Prior to the felling of any vegetation on site, a detailed landscape scheme for the Structural perimeter landscaping as indicated on Landscape Masterplan (Vector Drawings No V13204/SK03F, V13204/SK04A, V13204/SK05A) shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS21 Landscape, ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'

15

All subsequent applications for the approval of reserved matters shall have regard to the landscape masterplan (Vector Drawings No V13204/SK03F, V13204/SK04A, V13204/SK05A) and shall include a detailed planting plan. Such plan shall be prepared to a minimum scale of 1:200 and shall clearly describe:

- The proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS21 Landscape, ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'

16

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

Reason

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

17

All subsequent applications for the approval of reserved matters shall be accompanied by details of a sensitive lighting scheme which avoids lighting the scattered trees and parkland to the west and south of the Site. The principles of this scheme shall be developed using guidance contained within Appendix 2 of the submitted Bat Assessment Survey and shall thereafter be implemented and retained for the lifetime of the development.

Reason

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

18

Prior to any above ground development a scheme shall be submitted to and approved in writing by the local planning authority detailing proposals for the creation of long term bat roosting opportunities which shall be integrated or externally mounted on the new buildings hereby approved. The approved scheme shall thereafter be implemented for the lifetime of the development.

Reason

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

19

Prior to the felling of any vegetation on site, a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, shall be submitted to the LPA for consideration and approval and the development shall be implemented in accordance with the approved details. The submitted details shall include a detailed Tree Protection Plan.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment' and ENV3.4 'Trees, Woodlands and Hedgerows'.

ENVIRONMENTAL

20

The development hereby permitted shall be carried out in accordance with the mitigation measures associated with the Operational Phase of development outlined on Pages 30 and 31 of the Air Quality Assessment prepared by WYG dated May 2018.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

21

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 CS 28 Sustainable Design

22

For each building contract with the development hereby approved, a Construction Management Plan shall first be submitted to and approved in writing by the Local

Planning Authority detailing the following:

- Wheel washing facilities
- Hours of operation
- Methods to control dust emissions
- Noise levels and specifications of reversing alarms fitted to vehicles
- Contact name and telephone number of Officer responsible for immediate investigation of complaints

The construction shall thereafter be carried out at all times in accordance with the approved details.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'

23

Each and every building hereby approved shall be designed to achieve BREEAM Very Good rating as a minimum. Prior to the commencement of the development of each building 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.

24

No noise generating plant including mechanical ventilation or refrigeration/air conditioning, extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve no more than 0dB(A) above the prevailing background levels, outside the windows of the nearest noise sensitive property during the quietest measured period.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

25

All subsequent applications for the approval of reserved matters shall include a report on the potential for vibration from industrial machinery to affect neighbouring businesses or residential properties. The report shall address any remedial works that need to be carried in order to avoid any adverse impact on nearby noise sensitive receptors.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

INFORMATIVE

01

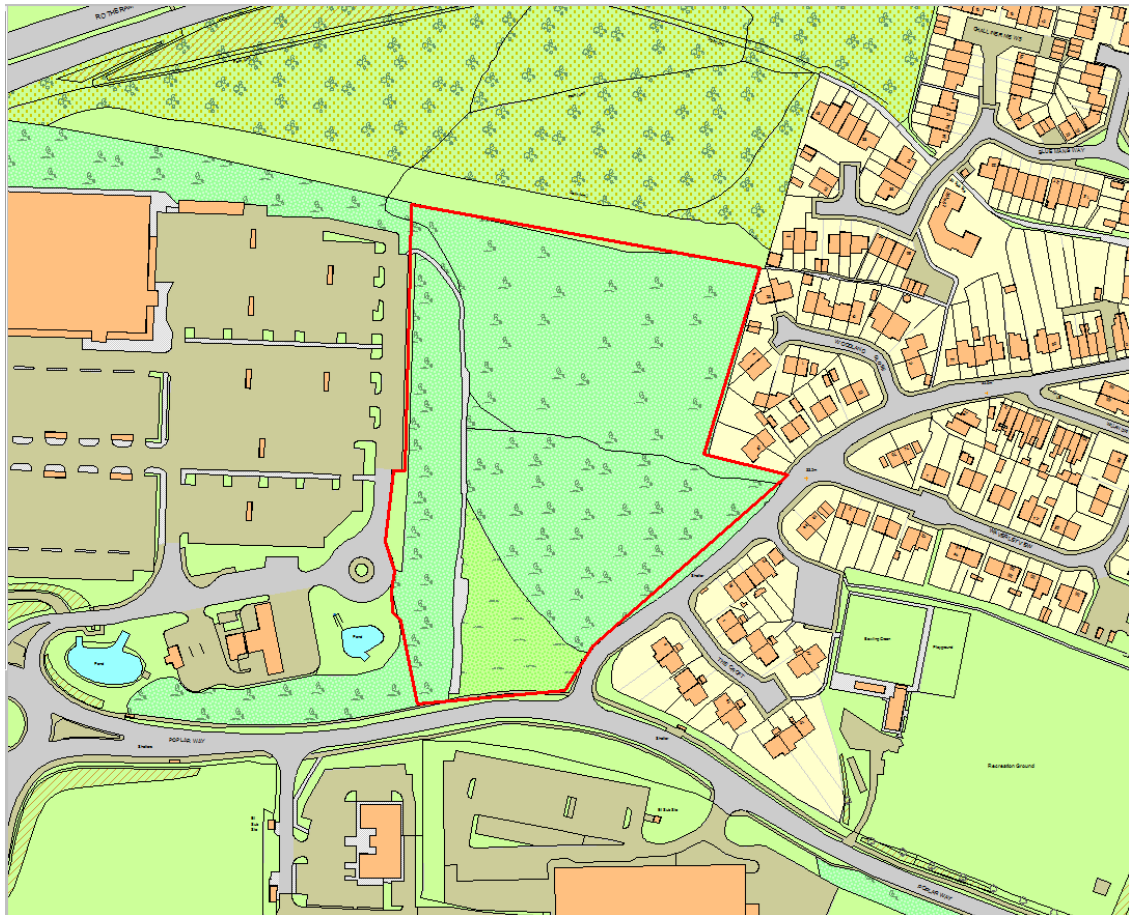
Any works affecting a watercourse will require the prior consent from Rotherham Metropolitan Borough Council as Lead Local Flood Authority.

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|---|
| Application Number | RB2018/0441 |
| Proposal and Location | Erection of 85 dwelling houses with associated landscaping, on site open space, parking and access at Land adjacent Morrisons, Poplar Way, Catcliffe |
| Recommendation | <p>That planning permission be granted subject to:</p> <p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 15% on site affordable housing provision • Establishment of a Management Company to manage and maintain the areas of Greenspace. <p>B Consequently upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in this report.</p> |

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



Site Description & Location

The site extends to 2.94 hectares and comprises mainly of rough grassland, although this has been cleared over recent months. It lies to the east of the Morrisons foodstore, located on Poplar Way and west of residential dwellings on Woodlands Close and Blue Mans Way. To the north of the site lies an area of green space, beyond which lies the A630 Sheffield Parkway, whilst to the south lies Poplar Way which has recently been widened to accommodate the Waverley New Community development to the far south and east.

There are significant changes in levels across the site. The south eastern corner is the lowest point of the site, and the north western corner the highest point. The frontage of the site falls down from Poplar Way to Sheffield Lane by approximately 4m and the eastern boundary rises 4.5m front to back.

There are currently no means of vehicular access into the site and no definitive rights of way across the site.

Background

The site has the following planning history:

RB1980/4154 - Outline for 1 supermarket 1 furniture & 1 homeware unit with car parking & landscaping – Refused

RB1998/1372 - Erection of a non-food retail store – Granted 12/10/1999

RB1990/1027 - Outline application for erection of retail food store including associated service area customer car park and petrol filling station – Granted 28/10/1994

RB1994/1528 - Details of the erection of retail food store and associated servicing and car parking (being matters reserved by outline permission R90/1027P) – Granted 16/02/1995

RB1999/1072 - Erection of a retail store with external storage and display areas, restaurant with take away sales, service area and car parking – Appeal against Non Determination – Dismissed 05/07/2000

RB2006/0125 - Application to vary condition 4 (Landscaping of the site) imposed by RB1990/1027 (Outline Application for Retail Food Store) to remove the requirement for the landscape buffer on eastern boundary of site – Refused 13/03/2006

RB2006/1070 - Outline application for residential development – Refused 17/08/2006

RB2014/1461 - Erection of 89 No. dwellinghouses with associated landscaping, parking and formation of new means of access – Granted Conditionally 31/03/2016 subject to S106 requiring 15% affordable housing, and financial contributions towards Catcliffe Primary School, Catcliffe Parish Recreation Ground, and sustainable transport measures.

An outline application for residential development (up to 64 dwellings) on land to the north (accessed off Blue Mans way) was refused in February 2016 though a subsequent appeal was allowed in February 2017. No reserved matters applications have been submitted in respect of this outline permission.

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

Environmental Impact Assessment

A screening opinion was carried out in October 2013 in relation to the previous application for 89 dwellings on the site to determine whether an Environmental Impact Assessment should accompany the application. It was concluded that an Environmental Impact Assessment was not required to accompany that application. The Regulations have since changed such that screening opinions are now only required for Urban Development Projects on sites exceeding 5 hectares, which does not apply in this instance. As such, no screening opinion is required.

Proposal

The application seeks full planning permission for the erection of 85 No. dwellings comprising a mix of 2, 3 and 4 bedroom properties in the form of 2 and 3 storey apartments, detached, semi-detached and terraced dwellings. The number and percentage of units are set out below:

| Type of dwelling | No. of Units | % |
|---------------------|--------------|-------|
| 2 bedroom apartment | 8 | 9.4% |
| 2 bedroom | 5 | 5.9% |
| 3 bedroom | 39 | 45.9% |
| 4 bedroom | 33 | 38.8% |

The layout of the development has been designed to work with the topography of the site and the applicant has responded to this by creating 3 character areas. There is a bank at the western edge and a second bank running north south through the central area of the site. The site levels also rise from south to north and the applicants have addressed these levels by designing retaining structures at the western and central banks, creating two plateaus, each accessed by a new junction off Sheffield Lane and Poplar Way.

The 3 character areas are described by the applicant within the Design and Access Statement as follows:

Green Frontage

This area relates to the Sheffield Lane/Poplar Way frontage. Here dwellings are set back from the highway varying in width from 6m at the shortest point which adjoins existing built form on Sheffield Lane to 20m at the junction of Sheffield Lane / Poplar Way. The Character Area provides accesses to the two development plateaus. A central area of green space frames the two access points and the proposed frontage to the site draws reference to the existing grain of Sheffield Lane utilising a similar building line, scale and mass to the adjoining properties. The use of an apartment block to Poplar Way creates a three storey focal building in a key location. Boundary treatments define public and private space.

Upper Lanes

This area forms the western area of the site and the key component is a significant level difference from the adjoining site, which will be mitigated by a retaining wall. In response to this hard boundary a rectilinear plotting arrangement is proposed with a tighter urban feel. There is a degree of formality and rhythm in this area through the use of mews courts at a 90 degree angle to the central access road, and the use of dual aspect dwellings frame key corners on the road network and overlook the green space.

Lower Lanes

This area relates to the eastern area and is separated from the upper plateau by an embankment. A more informal plotting arrangement is proposed and properties generally have longer gardens and driveways. All properties are two storeys with the layout feeling more open and organic with increased frontage landscape. Future vehicular and pedestrian connectivity is provided to the northern boundary.

The proposal also includes affordable housing provision at 15% as summarised below:

| No. of bedrooms | No. of units |
|----------------------------------|--------------|
| 2 bedroom apartments | 8 |
| 2 bedroom terraced dwelling | 3 |
| 3 bedroom semi detached dwelling | 2 |

Landscaping is integrated into the scheme with the inclusion of street trees throughout the site and the use of pockets of landscaping to form features where views terminate and/or form banks.

Access into the site is very similar to the extant planning permission and is proposed to be gained via Sheffield Lane, off Poplar Way. The majority of plots (27 to 85) will be served direct from a two way junction with Poplar Way. The developer will be required to fund the alteration of the existing Traffic Regulation Order (one way in Sheffield Lane) which will then allow this two way access. The remainder of the development would be served by a second access onto Sheffield Lane, but would not be accessible from Poplar Way due to the one way system on Sheffield Lane.

The submitted plans also indicate provision of an access through to the land to the north, to potentially link with any development off Blue Mans Way, though no full permission has been approved on that site so this access may not ultimately come to fruition.

Supporting documents

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

Design and Access Statement assesses the design principles associated with the proposed development based on an appraisal of the character of the local built environment. The statement concludes by stating *“Overall, the proposed layout and supporting illustrations have been developed based on a clear set of design parameters. These principles ensure a well designed detailed proposal with careful consideration given to a range of dwellings in a pleasant, safe and secure environment New residents will benefit from links to public transport, footpath/ cycle permeability with well defined public green spaces. These combined elements will ensure a pleasant, attractive and thriving environment to live.”*

Air Quality Assessment confirms that the potential for air quality impacts have been assessed for two distinct phases; the construction and operation phases. The Assessment concludes by stating that *“Additional development trips arising during the operational phase of the scheme are predicted to result in a negligible impact on annual mean NO₂ and PM₁₀ concentrations at all considered sensitive receptor locations. There is no predicted risk of exceedence of the 1-hour mean NO₂ or 24-hour mean PM₁₀ AQOs as a result of the development proposals. As such, the overall effect is considered to be ‘not significant’.”*

Arboricultural Method Statement was submitted to ensure good practice in the protection of trees during the proposed development and sets out recommendations for the protection of trees during the construction phase of the development.

Preliminary Ecological Appraisal describes the findings of desktop study and field survey work, in addition to considering the potential impacts arising from the proposed development, with appropriate mitigation measures to enable compliance with relevant wildlife legislation.

Statement of Community Involvement confirms that a meeting was held with Councillor Carter and two local residents on 9th March 2018 to discuss the proposals and in particular the proposed two vehicular access points onto Sheffield Lane. Barratt Homes' representatives also attended a meeting of the Catcliffe Parish Council on the evening of Wednesday 14th March 2018 to explain the proposal and to answer any questions. Eight members of the Parish Council attended along with ward members Cllr Carter and Cllr Simpson and around 25 local residents. In addition consultation packs containing a letter, draft site layout, comment card and freepost reply envelope were posted using Royal Mail to 439 local homes and businesses. 20 completed feedback forms and 3 emails were received via freepost by the deadline. The main concerns related to access and increased traffic together with issues surrounding drainage and the impact of development on ecology. Of the 23 consultation responses received, 9 could be subjectively classified as positive, 3 neutral and 11 negative.

Flood Risk and Drainage Assessment assesses the flood risk issues associated with the proposed development. It identifies and assesses sources of potential flooding, the risks both to and from the development and finally assesses the potential surface water run-off from the site and how this may be managed to minimise the risk of flooding to adjacent properties.

Geoenvironmental Appraisal confirms that fieldwork was undertaken in two phases from 15th to 16th January 2018 and 22nd and 24th January 2018, comprising the mechanical excavation of eleven trial pits and the drilling of six window sample boreholes and three cable percussive boreholes. The report presents the factual information available during this appraisal, an interpretation of the data obtained and recommendations relevant to the defined objectives

Noise Assessment establishes the baseline noise environment across the site. Noise levels measured on site have been assessed to determine the suitability of the site for residential development and provide preliminary recommendations for glazing and ventilation for the proposed uses. It concludes by stating that *'Noise levels at the site are governed by transportation noise sources. Based on the assessment undertaken, it is not considered that any existing businesses wanting to develop would be restricted by the proposals. As the nature of residential development at the site has been previously established, an assessment of tranquillity is not considered to be required.'*

Transport Assessment Addendum acknowledges that an extant permission for 89 units exists. This addendum therefore briefly compares the proposed scheme with the approved scheme. It concludes that they are very similar in terms of traffic and highways issues and that there are no traffic or road safety reasons why the proposed scheme should not be granted planning permission.

Development Plan Allocation and Policy

The application site is allocated for Retail purposes in the UDP, however is allocated for Residential purposes within the emerging Sites and Policies Document. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 Location of New Development
CS6 Meeting the Housing Requirement
CS21 Landscape
CS25 Dealing with Flood Risk
CS28 Sustainable Design
CS33 Presumption in Favour of Sustainable Development

Unitary Development Plan 'saved' policy(s):

HG4.3 Windfall Sites
HG5 The Residential Environment
ENV3.4 Trees, Woodlands and Hedgerows
ENV3.7 Development and Pollution

The Rotherham Local Plan 'Publication Sites and Policies' Document policy(s):

SP11 Development in Residential Areas
SP26 Sustainable Transport for Development
SP32 Green Infrastructure and Landscape
SP37 New and Improvements to Existing Green Space
SP39 Design and Location of Green Space, Sport and Recreation

Other Material Considerations

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

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

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances 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/Unitary Development Plan policy(s) referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

The Sites and Policies Document has completed its independent examination and the Council has received the Inspector's final report and Main Modifications. The Council envisages adoption of the Sites and Policies Document towards the end of June 2018. Given the stage of plan preparation the Council considers that significant weight can be given to the draft policies in line with paragraph 216 of NPPF.

Publicity

The application has been advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. 8 letters of representation have been received from 7 separate addresses, including Catcliffe Parish Council and Councillor Adam Carter. Representations are summarised as follows:

- Access to this development should be from Poplar Way only and thinking ahead its roadways should connect through to another proposed development, the extension to the Blue Mans estate adjacent to this development.
- I have no objection to the building of these houses, however I have serious concerns and object very strongly to this site being accessed from Sheffield Lane.
- Dangerous traffic conditions on Sheffield Lane exist. In places it is like a single track and despite signs saying No Entry or Access Only, drivers enter illegally and use it as a rat run.
- I would like to place an objection, not to the actual houses being built, but to the amount of excess traffic this will cause on Sheffield Lane. I am concerned about the additional residential traffic once the houses are built.
- The proposal to convert the junction of Sheffield Lane with Poplar Way into a two way traffic we feel will increase risk of accidents. The part of Sheffield Lane that will remain as a one way entrance will be ignored by drivers cutting through the estate. It is currently ignored by some as it stands currently.
- Housing crisis, isn't one. It's affording the houses that is the crisis. More people forced to rent because of the houses being too expensive to buy. We as a family wouldn't be able to afford one of the new homes.
- Potential for flooding as removing trees, grass, shrubs etc, and will be replaced by concrete and tarmac.
- Catcliffe is a flood sensitive area and has suffered major flooding events in recent times. What work or studies have been carried out by the developers of these 85 houses to ensure that during periods of prolonged rainfall or severe storm events, the additional surface water will not overwhelm drains that are just about coping with current conditions?

Catcliffe Parish Council

Catcliffe has a history of severe flooding which has led to extensive flood defence mechanisms being implemented to avoid the severe floods that occurred in 2007. Currently the surface water from Poplar Way and the surrounding area flows down drainage grates into an underground pipe that discharges into the river. During severe storm events or prolonged periods of rain, tanks have to be pumped out, over the flood

defence barrier and into the river using the mobile emergency pumps operated by RMBC. If these tanks become full the area would be flooded by surface water. Prior to the clearing of the vegetation on Barratt site the area would have acted as a natural sponge with some of the rain water being taken up by the trees, shrubs and vegetation during the growing season. With the addition of 85 further dwellings the water from the roofs, driveways, pavements and roads would be immediately channelled into the drainage system. This is a great concern to the Parish Council and any increase in flood risk must be addressed and properly evaluated; prior to consent being granted.

The Parish Council also have concerns with an increase in traffic using Sheffield Lane to travel to the proposed development. Sheffield Lane is already used by vehicles as a short cut to the Blue Mans Way development and drivers who continue to ignore the one-way system implemented on Poplar Way. The lane struggles to cope with two-way traffic in most locations; the increased traffic from firstly the construction traffic and the once completed the residents of the development could be hazardous to the current residents of Sheffield Lane.

Councillor Carter

“1) Extra Sheffield Lane traffic due to site access:

This road currently is access only due to the busy nature of the road, the pedestrian issues (no footpath for parts of it, elderly residents, and a bus route), and it is narrow in many places being unable to support consistent two way traffic. I am concerned that building an extra 85 houses would increase the through flow such that it makes it more dangerous for local residents. Currently there is a one way system at the top to reduce through traffic. I would suggest that this either be extended for the duration of the development, or moved so that the additional traffic for these new buildings can come in off Poplar Way, while maintaining the Access Only status and a One Way system to ensure that it doesn't become a short cut through the village, particularly at peak hours. Additional traffic calming measures along Sheffield Lane would alleviate this, and I would value consideration to speed humps.

In addition, traffic during construction of the houses I would suggest should come from Poplar Way, rather than HGVs diverting through the village.

2) Flood risk

After the serious floods a decade ago that massively affected Catcliffe residents are rightly concerned about the effect any development would have on the area. I would like to see more reassurance and measures in place to alleviate the area.

3) Pollution

Being close to the M1 and the Parkway means that Catcliffe's air quality isn't great. I would like to see more measures from this development that could offset the air quality issues that persist locally.

I do in principle support new housing developments in Catcliffe and I think if concerns about traffic, construction traffic, air quality, and flood risk can be addressed further then I would support this development.”

Consultations

RMBC – Transportation and Highways Design note that the proposed layout in terms of access is similar to the extant permission with regard to the point of access and the

need to amend the existing Traffic Regulation Order. On that basis and subject to appropriately worded conditions, no objections are raised.

RMBC – Affordable Housing confirm that the site was subject to a viability appraisal and during that process it was agreed that the site would deliver 15% affordable housing.

RMBC - Landscape Design originally raised concerns regarding the lack of any landscape masterplan, however following the submission of this additional information raise no objections to the proposal subject to suitably worded conditions requiring a detailed landscape scheme.

RMBC - Drainage originally raised concerns about the proposed development due to lack of information, however following the submission of additional plans and calculations raise no objections subject to conditions requiring full foul and surface water drainage details.

RMBC - Environmental Health (Noise) raise no objections to the proposed development subject to suitably worded conditions.

RMBC - Environmental Health (Air Quality) accepts the conclusions of the submitted Air Quality Assessment and welcomes the inclusion of electric charging points within individual properties. Accordingly no objections to the proposed development are raised

Consultant Arboriculturist (on behalf of Trees and Woodlands) has no objections in principle to the proposed development, however recommends conditions relating to the protection of trees shown to be retained on the submitted tree survey.

RMBC – Ecology acknowledges that the site has been cleared of trees and vegetation, however notes that it was checked for birds, mammals & reptiles prior to clearance. The content of the Ecological Design Strategy and Biodiversity Action Plan are deemed to be satisfactory and subject to the imposition of conditions no objections are raised to the proposed development.

RMBC - Public Rights of Way confirm that there is a definitive right of way along the northern boundary of the site, however it lies outside of the application boundary.

Yorkshire Water raise no objections to the proposed development subject to the imposition of conditions.

Highways England offers no objection.

Appraisal

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

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

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

The main considerations in the determination of this application are:

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Noise Issues
- Air Quality Issues
- Flood Risk and Drainage
- Highways Issues
- Ecology/Biodiversity Matters
- Landscaping/Tree Matters
- Planning Obligations

Principle

The application site is allocated for Retail purposes in the UDP, however it is allocated for Residential purposes within the emerging Sites and Policies Document. Notwithstanding this, planning permission was granted in March 2016 for the erection of 89 dwellings which remains extant until March 2019. The principle of development has therefore been previously established and the development proposed under this current application does not alter significantly from the earlier scheme. Accordingly, the proposed residential development is considered to be in accordance with UDP Policy HG4.3 'Windfall Sites,' the NPPF and Core Strategy Policies 3, 6 and 33.

Design and Visual Amenity

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."

The NPPG further goes on to advise that: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."

The NPPF notes at paragraph 56 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."

In addition to the above the NPPF at paragraph 17 details 12 core planning principles, one of which states planning should always seek to secure a high quality design. Core Strategy Policy CS28 'Sustainable Design' 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 within a clear framework of routes and spaces. Development proposals should be

responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Design should take all opportunities to improve the character and quality of an area and the way it functions' which seeks to ensure that all development make a positive contribution to the environment by achieving an appropriate standard of design."

Emerging Local Plan Policy SP58, states: "all forms of development are required to be of high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings".

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

Additionally, 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.

As previously outlined in the Proposal section of this report, the development has been designed to reflect the topography of the site which in turn has lent itself to the creation of 3 character areas. In accordance with UDP Policy HG5, which encourages the enhancement of the quality of residential development, each character area has a different feel, which in turn ensures the site is easily legible whilst providing a sense of place within the wider development. The proposal sets to deliver a total of 85 dwellings comprising a mix of house types which include 2, 3 and 4 bedroom dwellings along with apartments set over 2 and 3 storeys. This mix of house types is considered to provide a good housing mix which is considered essential for the creation of a cohesive residential development.

The proposed house types have been designed to respond to the site context. They are similar in scale to those found in the immediate area and arranged as detached, semi-detached and terraced units with a 3 storey focal building located on the Poplar Way frontage. They are relatively traditional in appearance with elements such as window openings, styles and details being repeated across the range to provide some form of continuity. The proposed materials include buff and red brickwork, mock slate roof tiles, UPVC windows and composite front doors which reflect those found in the immediate locality.

Due to the site's topography, the use of retaining structures is also necessary and the site layout has been designed to accommodate the majority of large retaining structures along the western elevation. Where there is to be a retaining wall to the rear boundary of a dwelling it is proposed to use a timber crib wall which in places will allow it to be 'greened up' and soften the structure and enhance the garden environments. At its highest, the retaining structure extends to approximately 5.8m in height and whilst it is acknowledged that it will form a significant feature within the development, the use of

this form of retaining structure is not unusual to address level changes in domestic developments and as such is considered to be appropriate in this instance.

The level changes are also noticeable along the central spine of the site where it is proposed to create an engineered embankment to accommodate two separate development platforms. This varies in width from approximately 38m to the north of the site, narrowing to 10m to the south. It also varies in its gradient, sloping upwards from east to west. This embankment is proposed to be planted and will provide an attractive landscaped green spine running through the development which also incorporates a pedestrian access between the two development platforms and beyond to Morrison's supermarket.

Having regard to the provision of on site green space, emerging Policy SP37 is relevant which states:

"Residential development schemes of 36 dwellings or more shall should normally provide 55 square metres of Green Space per dwelling, on site where necessary to ensure that all new homes are:

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

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

d. In all cases where new Green Space does not have to be provided on site, then developer contributions will be sought to enhance existing Green Space based on an assessment of need within the local area at the time of any planning application and proportionate to the scale and nature of the planned development.

e. Where new on site Green Space provision on site is required, the applicant will be expected to review national, regional and local information where available and, in discussion with the Council and any other body as necessary, prepare and submit an appropriate assessment of demand, that is proportionate to the scale and nature of the development proposed. Consideration shall be given to the borough-wide standards for playing pitches and play spaces to determine as appropriate, the composition of any provision that will assist in achieving these standards; specifically...."

Having regard to the above, the applicant has submitted a plan identifying the areas of green space provision on site in the form of an area of recreational space to the front of the site and a landscaped spine in the central area. The recreational area will provide an area of outdoor public open space, whilst the central spine is proposed to be planted to encourage a natural habitat for ecological gain. Both of these areas are considered to meet the definition of greenspace in the Core Strategy which states: "*Breaks in the urban environment formed by open areas such as parks, playing fields, woodlands and*

landscape areas. These spaces may exist as definable linear routeways, forming part of a network linking urban areas to the surrounding countryside."

In applying the principles of Policy SP40 a total of 4,675sqm of green space is required to be provided on site. In this instance the provision exceeds this requirement by 25sqm and is therefore compliant with the quantum of on site green space required by the Policy. Having regard to the function of the green spaces, a landscape management plan has been submitted which clarifies the function of these areas and whilst the applicant does not propose to install any play equipment, the site lies within 400m of Catcliffe Recreation Ground, which provides a range of outdoor recreational opportunities. Having regard to this it is considered that the proposal meets the requirement of Policy SP37.

Overall, 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, Core Strategy policies CS6 and CS28 and Sites and Policies Document Policy SP37.

Residential Amenity

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

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

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

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

As previously stated in the report, the site is located adjacent to the existing Morrisons store to the west and to the east of existing residential properties on Sheffield Lane, which comprise primarily of semi-detached dwellings. With regard to over dominating building forms, it is noted that the application site is sited at a slightly higher level than the residential properties located on Sheffield Lane and Woodland Close. The existing property most affected by the proposed development is considered to be 7 Woodland

Close which shares a side and rear boundary with plot 11 of the proposed development. 7 Woodland Close has a very small rear garden and a much larger garden area to the side which constrains the siting and orientation of proposed dwellings on the application site. In this regard, the layout has been amended to re-orientate and substitute the proposed dwelling at Plot 11 to show a side elevation towards No. 7 and a smaller house type which reduces the impact of development in terms of overshadowing and loss of privacy. Furthermore, the relationship between the existing and proposed dwelling meets the 45 degree rule as set out in the South Yorkshire Residential Design Guide that relates to back to side situations and is in place to protect the amenity and avoid an overbearing relationship between buildings.

With the above in mind, it is therefore considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of neighbouring properties. This is because the proposal would not cause any significant loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. As such the proposal would comply with the advice contained within the SYRDG and that contained in the NPPF.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties, 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types proposed have been designed to adhere to these space standards and each property will have a private rear garden and either allocated parking or a driveway. Whilst it is acknowledged that some of the rear garden areas do not meet the suggested guidance which states 'no elevation within 10 metres of a boundary' as set out in the Council's adopted SPG 'Housing Guidance 3: Residential infill plots' due to their relationship with retaining structures, the widths of these gardens achieve at least 50sqm and do not affect amenity levels of existing residents.

Having regard to the above it is considered that the proposed layout is in accordance with the guidance outlined in the SYRDG and Council's SPG 'Housing Guidance 3: Residential Infill Plots'.

Noise Issues

Policy ENV3.7 'Control of Pollution' states "The Council, in consultation with other appropriate agencies, 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...is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and 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"

Paragraph 123 of the NPPF states: "Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

Planning Practice Guidance Paragraph 008 Noise states that the adverse effects of noise can be mitigated by either:

- Engineering

- Layout
- Use of planning conditions/obligations
- Mitigation.

A Noise Assessment has been submitted with the application which states '*The site is exposed to existing sources of noise from the surrounding area, primarily road traffic noise from the A630 to the north and Poplar Way to the south, and the existing Morrisons store and car park to the west*'. It goes on to conclude: '*internal noise criteria can be achieved through use of appropriate glazing and ventilation configurations. AECOM has provided initial recommendations for glazing and ventilation configurations. It is considered that the majority of the site achieves the external noise criteria for rear gardens. AECOM has provided initial recommendations for acoustic fencing around any proposed gardens which experience noise levels above the criteria..... operational traffic noise impacts will negligible.*'

Neighbourhoods (Environmental Health) initially raised concerns regarding the methodology used in the original Noise Assessment and as such the applicant was asked to provide clarity on a number of areas. Following the submission of a revised Assessment, these concerns were allayed and no objections are raised to the proposed development subject to the imposition of recommended conditions.

Subject to these conditions it is considered that the proposals are acceptable and in line with Policy ENV3.7 of the Rotherham Unitary Development Plan and the guidance set out in the NPPF.

Air Quality Issues

The site lies close to the Sheffield Parkway and recently the Government has named Rotherham and Sheffield as one of 23 areas in England where concentrations of Nitrogen Dioxide (NO₂) exceed statutory limits and are projected to continue to do so over and beyond the next 3-4 years. Rotherham MBC is a mandated Clean Air Zone authority.

In particular, the Government's new National Air Quality Plan (NAQP) identifies a number of road corridors in the Sheffield and Rotherham area which are predicted to still be breaching the statutory limit on the annual average concentration of NO₂ by 2021, under a 'Business as Usual' forecast scenario. In particular, Defra's NAQP suggests potential breaches of the 40 µg/m³ limit on the A630 – A57 Parkway (from M1 J33 to City Centre), and sections of the A61 Inner Relief Road. The breaches are caused by road traffic, in particular diesel vehicles.

Access to the proposed development site lies close to the Parkway and therefore through the area identified in the NAQP. It is acknowledged that an existing permission for 89 units exist, however the NAQP was mandated post decision, therefore a change in circumstances has taken place and is now a material consideration when determining applications.

Having regard to this, the applicant was asked to submit an Air Quality Assessment which concludes that 'the overall effect (of the development) is considered to be not significant'. Nevertheless, the applicant was asked further to look at means of reducing the concentration of NO₂ which would be generated by the development and have

confirmed that they will provide electric vehicle charging points in 44 of the properties which are identified on the layout plan.”

The Council’s Air Quality Officer has confirmed this mitigation is acceptable and will assist in reducing the concentration of NO² as required by the mandate.

Flood Risk and Drainage

Policy CS25 ‘Dealing with Flood Risk,’ notes that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. In addition CS25 notes that proposals should demonstrate that development has been directed to areas at the lowest probability of flooding by demonstrating compliance with the sequential approach i.e. wholly within flood risk zone 1, and further encouraging the removal of culverting. Building over a culvert or culverting of watercourses will only be permitted where it can be demonstrated that it is necessary.

The NPPF notes that: “When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and, it can be demonstrated that:

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

In assessing this issue, a Flood Risk Assessment (FRA) has been submitted in support of the application. This Assessment confirms that the site lies within Flood Zone 1 as identified on the Environment Agency (EA) maps and states how extensive flooding occurred in Catcliffe in 2007 due to high rainfall which resulted in high river levels but the site did not flood. The minimum level of the site is circa 3m above the extent of the flood indicated on the flood map. Therefore it is considered the risk of flooding from the river is minimum.

The redevelopment of the site will not be expected to displace any flood waters and according to the EA surface water maps, the site is at a low risk of surface water flooding. This will be remediated by installing a drainage system up to and including 1 in 100-year storm event plus climate change.

The attenuation will be held within a tank which is proposed to be located under the green space area of the site close to Poplar Way. Again, this has been designed to hold the required 1 in 100 year event plus climate change.

The Council’s Drainage Engineer has noted the content of the FRA and agrees with its content. Furthermore and following submission of additional plans showing flood routes and surface water management, raises no objections to the proposed development subject to appropriately worded conditions requiring full details of a foul and surface water drainage scheme and detailed flood route drawing.

Having regard to the above and subject to the recommended conditions/informative it is considered that the proposals accord with Policy CS25 'Dealing with Flood Risk,' and the advice within the NPPF.

Highways Issues

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

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

The NPPF further notes at paragraph 32 that: "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Paragraph 34 to the NPPF further goes on to note that: "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised."

Following advice from the Council's Transportation department, an addendum to the previously approved Transportation Assessment (TA) was deemed to be sufficient to assess the impact of this development given the extant planning permission on the site and its similarity to the proposed scheme.

The addendum relates to a residential development of 85 No. dwellings which will be accessed via two culs-de-sacs to the west and north of Sheffield Lane. Each of these roads will be offered for adoption, with some residential dwellings accessed from the main spine roads. The western cul de sac will be accessed direct from Poplar Way and will require an amendment to the existing Traffic Regulation Order (TRO) which currently restricts access for vehicles from Poplar Way. Sheffield Lane will be realigned to meet the proposed western cul de sac and the revised TRO will prohibit vehicular traffic entering Sheffield Lane at this point.

It confirms that whilst the number of dwellings has reduced (by 4) and the previous scheme was approved only two years ago, the trip generation for the scheme has been reviewed using the latest trip generation data which is now available. This data predicts

that the proposed development is predicted to generate 2 less trips in the morning peak hour and is predicted to generate 5 more trips in the evening peak hour. Therefore the difference in traffic generation between the two schemes would not be noticeable. It is expected that the proposed development will generate less than one trip per minute in the peak hour, which is unlikely to be perceivable to road users, being well within accepted tolerances for daily fluctuation of flows on the surrounding highway network.

The proposed realignment of the existing junction of Sheffield Lane and Poplar Way will be safeguarded by a Section 278 Agreement and the developer has confirmed that they will fund the required amendment to the Traffic Regulation Order.

Having regard to all of the above, it is considered that the findings of the previous Transport Assessment and subsequent addendum meet the appropriate standards and addresses the potential concerns that the development may generate. Operational assessment of a number of junctions has been carried out and the traffic likely to be generated by the proposed development is unlikely to interfere with their function. However, as low estimates of traffic generation have been used, a robust scheme of mitigation is essential. In this respect, it is recommended that a condition be imposed requiring the submission of a Travel Plan which will require measures to be implemented to promote sustainable travel choices. The development is therefore considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel and paragraphs 32 and 34 of the NPPF.

Ecology/Biodiversity Matters

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

The NPPF further advises at paragraph 118 that: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

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

The submitted Extended Preliminary Ecological Appraisal notes that the site is not covered by any statutory or non-statutory nature conservation designations. There are no sites covered by European or International nature conservation designations within 10km of the Site boundary. The development site does not contain any buildings or other structures with potential to support roosting bats and the trees within the development site are too young to contain features of value to roosting bats. Consequently, it is assessed that the development of the site will not impact upon roosting bats as the site contains no features of value to them.

The site does not contain any habitats of potential value to otters or badgers and the desktop study did not provide any records for these species within 2km of the site boundary. Having regard to wild birds the habitats within the development site will provide breeding and feeding habitat for a range of species including House Sparrow

and Starling. However, the value of the site for breeding birds is limited by the high levels of public access for dog walking which is known to severely limit a sites value for breeding birds, in particularly ground nesting species. Finally, the Site does not contain any ponds suitable for breeding amphibians including Great Crested Newts (GCN). However, there are two ponds within 500m of the Site boundary. Both ponds were surveyed and no GCN's were recorded and both ponds were noted to support populations of fish.

The Council's Ecologist has assessed the content of the Appraisal and acknowledges that the site was cleared of vegetation prior to the submission of the application. Further information contained within a Biodiversity Action Plan and the Ecological Design Strategy has also been assessed and whilst it is disappointing that the site has been cleared it is not considered that the site provided a rich habitat for wildlife. The hedgerow on the northern boundary will be supported by a strip of grassland and additional woody planting will be provided along the western boundary which should enhance habitat connectivity.

Having regard to the conclusions of the report the Council's Ecological Development Officer does not raise any objections to the proposed development subject to the imposition of conditions based on the conclusions of the Ecological Appraisal. The proposals therefore accord with the provisions of Policy CS20 'Biodiversity and Geodiversity and Policy SP36 'Conserving and Enhancing the Natural Environment'.

Landscaping / Tree Matters:

With respect to these 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 proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. The contents of the report and its recommendations are noted and generally accepted by the Consultant Arboriculturist (on behalf of Trees and Woodlands) who undertook a site visit in May 2018.

During this site visit it was apparent that most of the trees identified within the tree survey had been felled. Judging from the stumps and woodchip visible, this work appeared to have been undertaken within the last 12 months. The retained vegetation was generally limited to a section of Hawthorn and a section of mixed native planting. It is unfortunate that the felling has occurred at this stage, as this does not allow due consideration of the site's trees as a material planning consideration. However, it is considered by the consultant Arboriculturist that it likely that the tree survey was broadly accurate in its analysis and that most of the central woody vegetation was of lower value.

It is of note that there are trees just beyond the western boundary that have not been included within the submitted tree survey. These trees include a line of planted Field Maple trees and a group of Cherry with occasional Ash. The Maples are around 5-6m in height with a stem diameter of around 15cm. Collectively the Maple trees form an

important landscape feature that should be retained and protected throughout the development, accordingly a suitably worded condition is recommended to be appended to any future planning permission.

Having regard to the above, it is acknowledged that the removal of trees and shrubs has resulted in a partial reduction of amenity and any associated benefits. However new tree, shrub and hedge planting as indicated on the indicative landscape proposals will help to provide a good level of amenity and biodiversity gain in the future and as a result mitigate against the loss of trees and vegetation on site in accordance with the provisions of Policy CS21 Landscapes.

Turning to the proposed landscaping scheme, it is proposed to retain and enhance a large area of planting along the northern boundary of the site. Street trees have been incorporated into the scheme and pockets of landscaping form features in appropriate locations. There are two open space areas on site, one is a linear embankment which is intended to focus on providing biodiversity enhancement for the site. The second is a general amenity space which doubles as a surface water attenuation area, and would be within a Green Infrastructure (GI) corridor. Policy expectation is for new GI assets to be multi-functional. However, there are currently no features, paths or seating shown within the Public Open Space area and if this area is to serve as a communal amenity space it should provide seating and a range of planting to be considered a potential community asset, which provides a neighbourhood space. Accordingly it is recommended that a suitably worded condition be imposed requiring full details of both hard and soft landscaping works for the Public Open Space alongside a separate condition requiring the submission of a detailed landscape scheme for the remainder of the site.

Taking account all of the above the scheme has been submitted having regard to the retention of some of the landscaping (trees / hedgerows) particularly to the north of the site and with further planting enhancements within the site itself. The Landscape Design Service notes that the submitted landscape scheme, as revised, is acceptable and should provide an attractive setting for the development. Subject to the imposition of the recommended condition in respect of the requirement for further information relating to species, it is considered that the proposals accords with Policy CS21 'Landscapes.'

Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development."

All of the tests must be complied with and the planning application must be reasonable in all other respects.

This is echoed in Paragraph 204 of the NPPF.

In this instance the developer submitted a Viability Appraisal as a part of the previous application and this was independently assessed by Professor Stephen Walker on behalf of the Council. The Viability Appraisal concluded that taking account of all costs and developer profits the development can sustain the following:

- 15% on site affordable housing provision.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

In addition, the applicant has agreed to provide a management and maintenance scheme for open space/communal landscaping areas, including street trees, and this would be included as part of the S106 agreement.

Other financial contributions required in respect of the previous provision (including towards education and the recreation ground) would now be funded through CIL payments and cannot be included within any S106 agreement.

Conclusion

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that would be in compliance with the requirements detailed within the UDP, Core Strategy, emerging Sites and Policies Document as well as the adopted Supplementary Planning Guidance and the NPPF. As such, subject to the signing of the Section 106 agreement in respect to the matter of provision of affordable housing and the management and maintenance of open space on site, it is 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 11, 12, 16, 23, 26, 27, 34 & 35 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 11, 12, 16, 23, 26, 27, 34 & 35 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)

- Site Layout – Dwg No. P17:5137:01 Rev J
- Derwent AS Plans and Elevations – Dwg No. P17:5137:11
- Derwent OP Plans and Elevations – Dwg No. P17:5137:12
- Chester AS Plans and Elevations – Dwg No. P17:5137:13
- Chester OP Plans and Elevations – Dwg No. P17:5137:14
- Windermere AS Plans and Elevations – Dwg No. P17:5137:15
- Windermere OP Plans and Elevations – Dwg No. P17:5137:16
- Ripon AS Plans and Elevations – Dwg No. P17:5137:17
- Ripon OP Plans and Elevations – Dwg No. P17:5137:18
- Alderney AS Plans and Elevations – Dwg No. P17:5137:19
- Alderney OP Plans and Elevations – Dwg No. P17:5137:20
- Washington AS/OP Plans and Elevations – Dwg No. P17:5137:21
- Maidstone OP – Moresby AS Plans– Dwg No. P17:5137:22
- Maidstone OP – Moresby AS Plans– Dwg No. P17:5137:23
- Moresby OP – Maidstone AS-OP Plans– Dwg No. P17:5137:24
- Moresby OP Maidstone AS-OP Proposed Elevations– Dwg No. P17:5137:25
- Type 69 - AS-OP Proposed Plans - Dwg No. P17:5137:38
- Type 69 - AS-OP Proposed Elevations - Dwg No. P17:5137:39
- MORESBY OP - MAIDSTONE AS PROPOSED PLANS - Dwg No. P17:5137:40
- MORESBY OP - MAIDSTONE AS PROPOSED ELEVATIONS- Dwg No. P17:5137:41
- Schematic Cross Sections – Dwg No. C7706/Sections Rev A
- Landscape Masterplan – Dwg No. R/2017/1

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

TRANSPORTATION

04

No above ground development shall take place until details of the proposed alterations to the Sheffield Lane/western access road/Poplar Way junction, indicated in draft form on plan reference P17:5137:01 Rev J have been submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the first occupation of any dwelling. The submitted details shall include modification of the existing Traffic Regulation Order, a Stage One Safety Audit, and retention of adequate land adjacent so as to enable carriageway widening should the restoration of two way traffic flows along this part of Sheffield Lane be required.

Reason

No details having been submitted they are reserved for approval.

05

No above ground development shall take place until details of the proposed footpath link into the adjacent supermarket car park in the vicinity of plot 60 have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented in accordance with a timescale to be agreed with the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

06

The construction of the proposed access road adjacent plot 12 shall have regard to the site levels of the potential development site to the north and shall be constructed to facilitate linking to a future development road in terms of vertical and horizontal alignment

Reason

In order to promote sustainable travel choices.

07

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

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

All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

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

08

Before the development is brought into use the car parking area serving plots 33-40 shown on Drg No P17:5137:01 Rev J 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.

09

Details of road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

No details having been submitted they are reserved for approval.

10

Prior to the occupation of the first dwelling, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

11

Prior to the commencement of any works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for: Routing of construction traffic / Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interests of road safety.

FLOOD RISK/DRAINAGE

12

No development shall take place 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.

13

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

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

14

No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the foul and surface water sewers i.e. a protected strip width of 6 (six) metres, that crosses the front part of the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer/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.

15

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

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer.

Reason

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

CONTAMINATED LAND

16

Prior to the commencement of development a further Phase II Intrusive Site Investigation and subsequent risk assessment shall be submitted to an approved authority in writing by the Local Planning Authority. The report shall be prepared by a competent person and 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 (SR 2-4).

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

17

Subject to the findings as required by Condition 16 a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. 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

18

Gas protection membranes consistent with an amber 2 gas characteristic situation shall be installed in each property in accordance with the recommendations specified on page 42 of the approved Revised Geo-Environmental Appraisal of Land at Poplar Way, Catcliffe – Prepared by Sirius Geotechnical & Environmental Limited, dated March 2018, reference C7706.

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

19

Prior to the occupation of any dwelling, all proposed garden/landscaping areas where elevated levels of contamination have been identified, shall be provided with a clean soil capping layer of 600mm of subsoil/topsoil to ensure protection to human health from

affected soils. The details of the capping materials placed shall be recorded in the format of a Validation Report to ensure suitable soils of sufficient quality and quantity have been placed.

Reason

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

20

Prior to the occupation of any dwelling, if subsoils / topsoils are required to be imported to site for soil capping works, then these soils shall be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. If materials are imported to site the results of testing thereafter shall be presented to the Local Planning 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

21

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 thereafter shall be carried out in accordance with an approved Method Statement 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

22

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

23

Prior to the commencement of development, details of a foundation solution shall be submitted to and approved by the Local Planning Authority when development platform levels for the site have been determined.

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

NOISE/DUST

24

Enhanced glazing and alternative ventilation shall be provided to those dwellings as required and set out in Appendix B of the noise assessment report prepared for WYG Environment Planning Transport Ltd dated March 2018.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

25

Prior to the occupation of the dwellings the applicant shall confirm the proposed method of ventilation to be provided to achieve the internal noise targets as set out in the noise assessment report prepared for WYG Environment Planning Transport Ltd dated March 2018.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

26

Prior to the commencement of development a noise management plan for the construction phase of development shall be submitted to and approved in writing by the Local Planning Authority. The monitoring location(s) shall be agreed in writing by the Local Planning Authority prior to any monitoring commencing.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

27

Prior to the commencement of development a dust mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. On receiving any dust complaints the operator shall undertake nuisance dust monitoring. The monitoring locations shall be agreed with the Local Planning Authority prior to any monitoring being undertaken.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

28

All loaded lorries leaving the site shall be securely and effectively sheeted.

Reason

In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety

29

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites'.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

LANDSCAPE

30

No above ground development shall take place until full details of both hard and soft landscaping works for the Public Open Space on site have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:

- Existing and proposed finished levels or contours
- Means of enclosure, (access for maintenance, prevention of unauthorised vehicles)
- Pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment' and ENV3.4 'Trees, Woodlands and Hedgerows'.

31

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility

requirements.

- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for ongoing maintenance and a schedule of operations.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment' and ENV3.4 'Trees, Woodlands and Hedgerows'.

32

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment' and ENV3.4 'Trees, Woodlands and Hedgerows'.

33

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

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment' and ENV3.4 'Trees, Woodlands and Hedgerows'.

34

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 the submitted Tree Protection Plan JCA Appendix 5. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', and ENV3.4 'Trees, Woodlands and Hedgerows'.

35

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

Reason

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

ECOLOGY

36

Prior to any above ground development a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing proposals for the creation of long term bat roosting opportunities which shall be integrated or externally mounted on the new buildings hereby approved. The approved scheme shall thereafter be implemented for the lifetime of the development.

Reason

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

Informatives

Noise Disturbance

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

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

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

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsters, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

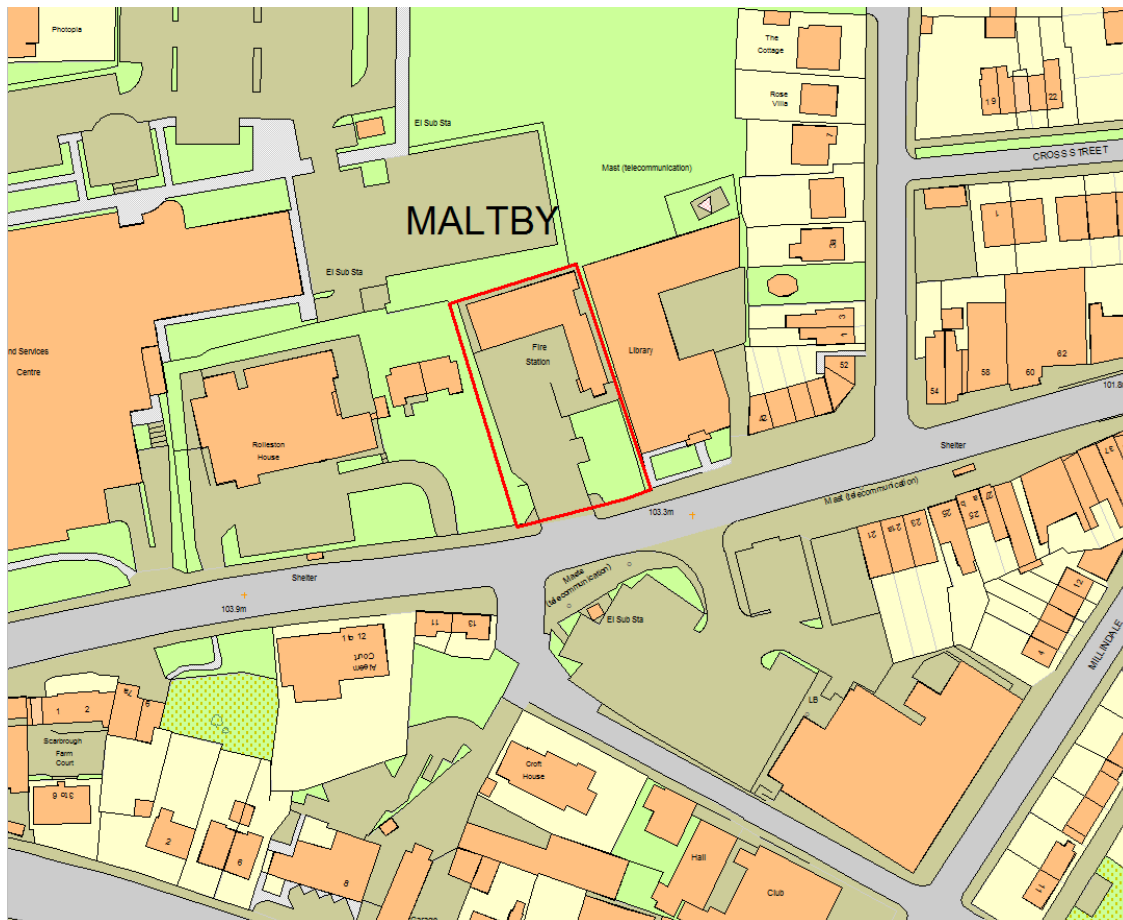
(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall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

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|---|
| Application Number | RB2018/0527 |
| Proposal and Location | Change of use to fish & chips restaurant/takeaway (Use Class A3/A5) at Maltby Fire Station, High Street, Maltby |
| Recommendation | Grant subject to conditions |

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



Site Description & Location

The application site lies adjacent to Maltby Town centre as designated in the Local Plan, on the north side of High Street. The site consists of the former Maltby Fire Station which is a single and two storey flat roof building with attached training tower. The building and associated access slopes upwards from High Street and accommodates a large area of hardstanding with a smaller grassed area to the front.

Two residential properties are located immediately to the west (1 and 2 Rolleston House) whilst the former Maltby library, which is now vacant, lies to the east and the newly constructed Maltby Leisure Centre is located to the north.

Background

The site has a varied planning history relating to the former use as a fire station, none are therefore relevant to this application.

Proposal

The application seeks consent for the change of use of the ground floor premises which comprises of a vacant fire station to a combined restaurant (Use Class A3) and hot food takeaway (Use Class A5). The application also proposes the replacement of the fire appliance doors with windows and the installation of a new door within the western elevation.

The proposed opening hours are as follows:

- 11:30 – 22:00 Hot Food Takeaway (Use Class A5)
- 11:30 – 21:00 Restaurant (Use Class A3)

The application does not seek permission for any associated signage as a separate application for advertisement consent would be required.

Development Plan Allocation and Policy

The application site is allocated for Community Facilities (Leisure) in the UDP and the emerging Rotherham Sites and Policies Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS12 Managing Change in Rotherham's Retail and Service Centres
CS14 'Accessible Places and Managing Demand for Travel,'
CS29 Community and Social Facilities

Unitary Development Plan 'saved' policy(s):

ENV3.7 Control of Pollution
CR1.5 Community Facilities

The Rotherham Local Plan 'Publication Sites and Policies' document policy(s):

SP23 Primary Shopping Frontages
SP25 Hot Food Takeaways
SP64 Safeguarding Community Facilities

Other Material Considerations

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

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

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

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances 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 Sites and Policies document has completed its independent examination and the Council has received the Inspector’s final report and Main Modifications. The Council envisages adoption of the Sites and Policies document in summer 2018. Given the stage of plan preparation the Council considers that significant weight can be given to the draft policies in line with paragraph 216 of NPPF.

The Core Strategy/Unitary Development Plan policy(s) referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of a press and a site notice along with individual neighbour notification letters to adjacent properties. 1 petition containing 292 signatures, and 26 letters from 25 separate addresses, including Maltby Town Council and Cllr Price have been received objecting to the proposals, and 1 letter of support have been received, raising the following comments:

Support

- Due to the lack of restaurants in this area I think it is a much needed boost to the area.

Objection

- Another fish and chip restaurant in Maltby is unnecessary;
- The scale of the building and site is excessive for a restaurant/take away;
- The building should remain in a community use;
- Existing small businesses will be affected if planning permission is granted;
- The site should be used for residential purposes;
- The site should be converted into a facility for young people to socialise;
- The whole area from the corner of the B6376 Braithwell Road embraces the Leisure Centre, the Full Life Community Church, the Fire Station and the Maltby Community Library, and should be maintained as such for the benefit of the Community of Maltby as originally designated and authorized by previous Council Authorities.
- The street is very busy and the addition of more cars coming on and off of the road could cause safety issues

- Being an employee of a take away business and having seen the damage caused to employee hours and opportunities due to the excessive increase of take-away shops in recent times I fear what could happen to local family run businesses with such a huge chip shop chain being added to the centre of Maltby.
- An important building like the old fire station which is adjacent to a library, church and community centre would be disconnected by being a take away/restaurant.
- The original plan for Community allocation is by far the better plan for this section of the High Street. This would enable the existing community hub to be maintained i.e from The Sports Centre and attached Health and Social Services Centre, all the way through to and including the area currently occupied by the Library.
- The relocation of the Fire Station elsewhere should not result in the loss of a community facility. The site should therefore be maintained for other specifically Community uses.
- The definition of Community in this context would, and should, be Social, Recreational, Creative, Educational, Spiritual, Health, and Well Being. All of these uses provide for the physical, psychological, spiritual and social needs of young through to older members of our Community. A Fish Restaurant and Takeaway would not meet the criteria. Furthermore community use is largely charitable and non profit making, and run 'By the Community for the benefit of the Community'.
- Maltby already is high on the index of communities with health issues. I believe Planners have a duty to consider the wider social issues of health and wellbeing in Community planning.
- Any Fish and Chip restaurant will inevitably create smell and this would affect the tenants living next door.

Maltby Town Council

- The Town Council objection is to the takeaway element and not to the restaurant; there is a large number of takeaways on the High Street and within the town. Another fish & chip shop takeaway will also impact on the fish & chip shop businesses that are already within Maltby, the majority of these have been established for many years and support the area.

Councillor Price

"The planning application would inevitably cause a negative impact on nearby housing to the rear and flats nearby in the way of noise pollution as well as smells. No conditions to the application, in my opinion, can fully mitigate these effects.

According to UK planning laws it is fully the right of elected member states on the local planning authority to consider refusal to applications on the grounds of consideration to the detrimental effect of the proposed development on the character of the local area. I argue, very strongly, that this proposed development will have a negative impact on the local area and its character. Sadly, Maltby high street has been in a state of slow decay for the past twenty years or so, but this has exacerbated in the past decade or so. It is now a high street dominated by fast food takeaways. It would be wrong to look at this proposal separate from the entire surrounding picture. This site is paramount in regenerating the high street, the library next door I'll be soon gone.

Short term views and planning will allow just more takeaways to appear and any hope of some kind of regeneration will be lost. Rotherham Town Centre and Swinton centre have plans or ambitions of their own. And rightly so they should. I also want to see the same happen in Maltby. This requires a longer term view to be upheld in regards to this site. The detrimental impact will be felt by local consumers, who will inevitably go further afield to shop, driven by a lack of choice. It will consign the high street to being flooded by the same type of business model. It will have a detrimental impact on existing local and successful businesses. I strongly argue this is a junction point for the future of Maltby high street, what is determined out of this application will shape either its continued demise or a key turning point.”

Three requests have been received to speak at the Meeting, from the applicant and two objectors.

Consultations

RMBC - Transportation and Highways Design: Confirm that the proposed layout is acceptable from a highway aspect subject to conditions

RMBC - Environmental Health: Acknowledge that there are some residential properties close by so there is some potential for odour nuisance from the development. Accordingly it is recommended that a condition be imposed on any approval of planning permission requiring details of a suitable extraction and/or filtration system.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- The principle of development.
- Impact on the viability and vitality of Maltby Town Centre
- Design & visual impact
- Impact on neighbouring amenity.
- Highway safety

Principle of the development

This proposal seeks permission for a change of use of the former Fire Station to a fish & chip restaurant / takeaway (Use Class A3/A5). The site is within land allocated for Community Facilities (Leisure) use in the UDP and is proposed to be retained as such in the Rotherham Sites and Policies Local Plan.

Having regard to the site's Community use allocation the following policies are considered to be relevant:

Core Strategy Policy CS29 Community and Social Facilities states that:

The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency.

Saved UDP Policy CR1.5 Community Facilities states:

Those areas allocated on the Proposals Map for Community Facilities will, wherever possible, be retained or developed for such purposes during the Plan Period. In addition, land or buildings currently used or last used for community purposes, but not identified as such on the Proposals Map will be similarly safeguarded wherever possible. Development proposals which involve the loss of key community facilities shall only be permitted where the local planning authority is satisfied that the retention of the land or building in community use is no longer viable, or where adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility.

Emerging Policy SP64 Safeguarding Community Facilities (as amended) re-iterates this broad approach and sets out more detail:

Development proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility, or that the retention of the land or building in community use is no longer viable, on the basis that..."

The Inspector in his final report clarified his understanding of the operation of this policy:

"226. With regard to the loss of particular community facilities, such as those related to health care, the policy recognises that account will be taken of alternative provision or some other overriding public benefit that will result from the loss of the facility. If it is found that the proposal is justified on either of these grounds Criteria d-g (as modified) would not apply. Consequently the terms of the policy are not overly rigid and will allow account to be taken of any plans for the reorganisation and re-provision of local services.

It is acknowledged that there is no further requirement for the retention of the Fire Station given that the facility has been relocated. The Council are not aware of any other specific community needs or requirements that have been identified and which could be accommodated on this site. Indeed it is acknowledged that the new leisure centre has been constructed immediately to the north of the site which provides a host of opportunities for community use. For these reasons it is considered that the proposed change of use would not conflict with the provisions of Emerging Policy SP64.

Impact on the viability and vitality of Maltby Town Centre

The proposed uses are main town centre uses and the site is located in an edge of centre location, close to Maltby town centre. The proposal therefore needs to satisfy the sequential test requirements set out in Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres'. It is acknowledged that the evidence required should be proportionate to the scale of development proposed.

Policy SP25 Hot Food Takeaways (as proposed to be amended) further clarifies that hot food takeaways outside of town, district and local centres will be required to satisfy Core Strategy Policy CS12 and will not be permitted where they would result in more than two A5 units being located adjacent to each other.

The application indicates that the restaurant element is some 150sqm, and the takeaway 40sqm, with the uses sharing services (such as the kitchen) of 80sqm; a total of 270sqm.

A sequential test assessment has been submitted and it was agreed that the assessment should consider Maltby town centre only, given the edge of centre location. Whilst the applicant has not specifically referred to flexibility in terms of the proposed development, in other circumstances flexibility of +/-10% of the floorspace has been considered appropriate. In this case such an approach would provide a range of floorspace between 243 and 297 sqm.

In applying the sequential test for the proposed uses regard should be had to Policy SP23 Primary Shopping Frontages, which states that A3 restaurants and cafés uses at ground floor level would be supported where it can be demonstrated that they would, in the first instance not dilute the concentration of A1 shops in the Primary Shopping Frontage below 65%, or further reduce the current percentage of A1 shops where the concentration is already below 65%.

Based on data from the latest town centre survey only 51% of premises within Maltby's primary shopping frontage (shown on map 9 at Appendix 1 of the Publication Sites and Policies document) are A1 uses, well below the 65% referred to in policy. The Policy also indicates that A5 uses will not normally be supported at ground floor level within the primary shopping frontage. In view of the above it was agreed that the sequential test should exclude premises within the primary shopping frontage and only consider those units within the remainder of the town centre.

Having regard to the above, the applicant has considered the latest monitoring data from the Council which identified two vacant premises: 91 High Street and 4-8 Tickhill Road. Both of these are smaller than the proposed development, even allowing for some flexibility. It is therefore considered that these have been discounted appropriately and that there are no other vacant premises of a suitable size available. Of the 7 units larger than 270sqm in the town centre, four are within the primary shopping frontage and therefore excluded from consideration. The remainder are all presently occupied. Even if vacant they would likely be discounted as too large given that they are of 350sqm or above in size. The only alternative possibility is land adjacent to 21 High Street, which is available and being marketed. However this is within the primary shopping frontage and therefore excluded from consideration. Whilst this has not been assessed the Council are satisfied that the site, at some 225sqm, would be too small even allowing for some flexibility.

In light of the above it is considered that the sequential test requirement has been satisfied and the proposals in this respect comply with Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and Policy SP25 Hot Food Takeaways, together with guidance contained within the NPPF.

Design and visual impact

The NPPF notes at paragraph 56 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." Paragraph 17 further states planning should always seek to secure a high standard of design.

Policy CS28 'Sustainable Design,' of the Rotherham 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 within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping...Design should take all opportunities to improve the character and quality of an area and the way it functions."

Having regard to the above, the proposal involves very few alterations to the front and side elevations of the building. These alterations include the replacement of the fire appliance doors with windows and the installation of a fire door within the western elevation.

Due to the modest scale of the external alterations proposed it is considered that the works retain the architectural character of the host building and its surroundings and therefore comply with the provisions of Policy CS28 Sustainable Design and paragraph 56 of the NPPF.

Impact on neighbouring amenity

'Saved' UDP Policy ENV3.7 'Control of Pollution,' states: The Council, in consultation with other appropriate agencies, 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: (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and 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.

In addition, emerging Local Plan Policy SP25 'Hot food take-aways' states: "Proposals for hot-food takeaways will be considered in light of their impact on amenity and any mitigating measures. This will include taking account of highway safety and parking, hours of operation, control of odours and cooking smells, litter and waste disposal, and crime and anti-social behaviour."

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):

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

Paragraph 123 of the NPPF adds that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

This planning application relates to the change of use of the property into a restaurant and hot food takeaway. Environmental Health have confirmed that there is some potential for odour nuisance from the development due to the proximity of adjacent residential properties. Accordingly they have recommended that a condition be imposed requiring the submission of details relating to the provision of a suitable extraction and/or filtration system which will ensure that any odour emanating from the site will not have a detrimental impact on the living conditions of nearby residents.

Having regard to the opening hours, the application proposes to open the restaurant between the hours of 11:30 – 22:00 and the takeaway element between the hours of 11:30 and 21:00. These opening hours are recommended to be a condition of any future planning permission and together with the condition requiring the installation of a suitable extraction system, are considered to adequately address the amenity impacts of the development. As such, the proposals are considered to be in accordance with relevant Policy and NPPF guidance.

Highway safety

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

- b. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.

In addition, emerging Local Plan Policy SP25 ‘Hot food take-aways’ states: “Proposals for hot-food takeaways will be considered in light of their impact on amenity and any mitigating measures. This will include taking account of highway safety and parking.....”

Paragraph 34 to the NPPF further goes on to note that: “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

With regard to the proposed layout, it is acknowledged that a large area of hardstanding exists to the front of the property which was required as part of the former use of the site as a fire station. Additionally there is an existing radius type vehicular access to High Street which is unnecessary for the purposes of the uses proposed. Accordingly, the Council’s Transportation and Highways department have confirmed that adequate

space exists for the provision of in curtilage parking and subject to a condition requiring a reduction in the width of the existing vehicular access to High Street, the development will not have a detrimental impact on highway safety. As such no objections are raised from a transportation and highway perspective.

Having regard to the above, the development is considered to accord with the above Policies and paragraph 34 of the NPPF.

Other matters

A number of representations have been received raising concerns that the proposed development will have a detrimental impact on existing small businesses in the area and result in a loss of jobs. Whilst this point is noted, the matter of competition is not a material consideration when determining this application.

Other matters raised by objectors, such as the site being retained within a community use, highway safety implications and the potential for odour emanating from the site, have been previously assessed within the report.

Conclusion

In summary, it is considered that the proposed change of use, subject to appropriate conditions, would not have an impact on the viability and vitality of Maltby Town Centre. Appropriately worded conditions have been proposed to ensure that the use as a restaurant and hot food takeaway would not have a significant impact on the locality.

Based on the above it is considered the proposal complies with development plan policies and therefore 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. Condition number 4 of this permission requires matters to be approved before development works begin; however, in this instance the condition is justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition number 4 are fundamental to the acceptability of the development and the nature of the further information required to satisfy this condition 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 three years from the date of this permission.

Reason

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

02

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

- Location Plan – Dwg No. MFS/1
- Site Plan – Dwg No. MFS/2
- Proposed Front Elevations – Dwg No. MFS/4
- Proposed Side Elevation – Dwg No. MFS/6
- Proposed Ground Floor Layout – Dwg No. MFS/9
- Takeaway Extraction – Dwg No. MFS/11

Reason

To define the permission and for the avoidance of doubt.

03

The use hereby permitted shall only be open to customers or for deliveries between the hours of:

- 11:30 – 22:00 Hot Food Takeaway (Use Class A5)
- 11:30 – 21:00 Restaurant (Use Class A3)

Reason

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

04

Prior to the commencement of development details of a suitable extraction and/or filtration system shall be submitted to and approved in writing by the Local Planning Authority. These details shall include discharges at a point not less than one metre above the highest point of the ridge of the building or any such position as may be agreed in writing by the Local Planning Authority. The approved extraction/filtration system shall thereafter be implemented prior to the development being brought into use and thereafter maintained and operated in accordance with the manufacturer's specifications and be operated effectively at all times during cooking.

Reason

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

05

Before the development is brought into use the car parking area shown on the Provisional Car Parking Plan Ref: MFS/2 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.

06

The development shall not be brought into use until the existing radius type vehicular access to High Street has been reduced in width and replaced with a dropped kerb type

vehicular access (7 No. dropped kerbs and 2 No. taper kerbs) in accordance with details which shall be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|--|
| Application Number | RB2018/0560 |
| Proposal and Location | Change of use of restaurant to restaurant and drinking establishment (Use Class A3/A4) at 284 Bawtry Road Wickersley |
| Recommendation | Refuse |

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



Site Description & Location

The application relates to an existing restaurant which is located on a service road adjacent to the classified Bawtry Road at Wickersley. The site is located on the outskirts of Wickersley Conservation Area.

Immediately to the rear of the site are residential properties on Morthen Road, with commercial properties to the west and Wickersley Community Centre and Library to the east.

The property has recently been renovated internally and externally as an Italian restaurant with a reception bar area and has had various extensions and modifications carried out to the external area to create additional seating areas.

Background

The site has the following planning history:

| | |
|-------------|--|
| RB1996/0687 | Change of use of A1 retail shop to A3 restaurant Granted conditionally |
| RB2016/1152 | Single storey extension and alterations to front Granted conditionally. |
| RB2017/0311 | Installation of waterproof material retractable roof and bi-folding glass doors to front elevation and solid partition to side elevation Granted conditionally. |
| RB2017/0675 | Formation of external seating area Granted conditionally |
| RB2017/1035 | Display of 1 illuminated & 1 non-illuminated fascia sign Granted |

Proposal

This proposal seeks full planning permission to change the existing use of the premises from A3 (restaurant) to a combined A3/A4 (restaurant/drinking establishment) use. The submitted application form states that there has always been a small bar area for pre and post dining drinks but currently they are getting a small number of people for drinks only which they estimate to be less than 10% of the clients served in any one day (the seating capacity is indicated to be 60 – 70).

The applicant states that this application has been submitted to ensure that in serving customers with drinks only they are not in breach of any planning restrictions and they wish to include the bar in the full application to prevent any potential ambiguity in their mode of operation. They also state that it is not their intention to operate the business as a public bar.

The proposal does not include any proposed opening hours. The existing opening hours are restricted by Condition 3 attached to the original change of use application (RB1996/0687) which states:

Condition 03

The restaurant shall not open before 0800 hours on any day and no customer shall be admitted to the premises after 2230 hours on any day or shall be present on the premises after midnight on any day.

The current use of the premises is also restricted by Condition 07 attached to the same permission which states:

Condition 07

The premises shall be used only as a restaurant for the sale of food for consumption on the premises and for no other purposes in Class A3 of the schedule to the Town and Country Planning (Use Classes) Order, 1987)) without the prior permission of the Local Planning Authority.

Development Plan Allocation and Policy

The application site is allocated for Retail (Town Centre) use in the UDP though this allocation will change to Residential in the Rotherham Local Plan 'Publication Sites and Policies' document. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14 'Accessible Places and Managing Demand for Travel,'
CS27 'Community Health and Safety'
CS29 'Community and Social Facilities'

The Rotherham Local Plan 'Publication Sites and Policies' document policy(s):

SP12 Development in Residential Areas
SP29 Sustainable Transport for Development
SP55 Pollution Control

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

ENV3.7 Control of Pollution

Other Material Considerations

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

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

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.

The Sites and Policies document has completed its independent examination and the Council has received the Inspector's final report and Main Modifications. The Council envisages adoption of the Sites and Policies document in late June 2018. Given the stage of plan preparation the Council considers that significant weight can be given to the draft policies in line with paragraph 216 of NPPF.

The Core Strategy/Unitary Development Plan policy(s) 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 two site notices displayed on 19 April 2018, a press notice, (Rotherham Advertiser) dated 20 April 2018 and letters to neighbouring properties dated 10 April 2018. The Council has received 20 separate objections to the proposals. The comments received are summarised below:

Noise Issues:

- This is a quiet residential location and our enjoyment of our home and garden area have already been impacted by the 'W' Restaurant; extremely unpleasant smells from inadequate extraction and noise from live music, emptying of bottle bins and people leaving the restaurant at night, if granted all this could potentially increase.
- There is nothing in the application that gives us any confidence that this will not turn into primarily a drinking establishment and that there will be any control of the number of people that will be drinking inside and outside and at what time.
- Noise nuisance and anti-social behaviour caused by other local licensed premises.
- Will the license result in live music and evening drinking on the terrace.

Anti-social behaviour:

- Premises that already frequently have to be visited by the police, this establishment is too close to residential properties to become a bar with potentially the same problems.
- Intimidation from large groups of people consuming alcohol close to public amenities and blocking the pavements.
- Children will be exposed to inebriated people passing the house using bad language.
- The W currently has a more sophisticated clientele than other restaurants as it isn't a drinking establishment.
- Disgusting every weekend with vomit on the pavement, discarded beer bottles and takeaway containers.
- There has been an increase in assaults in the areas.
- The bar is on a direct route to local schools and could potentially put children at risk from suggestive and inappropriate comments.
- The Police are a regular presence in the area at weekends.

Highways issues:

- Potential increase in the number of intoxicated people walking between the other bars that are situated on the opposite side of the roundabout so potentially increasing the risk to road users and pedestrians.
- Local residents affected by parking on Bawtry Road, Goose Lane and Farrington Court.
- Impact on nearby church car park which is regularly used by the restaurant's customers.

Other issues

- The application has not been advertised correctly, no reference to it in local papers.
- Online application does not state opening times.
- The initial license for a restaurant was a disguise for the applicant true intentions.
- Oppose the spread of Wickersley's expanding nightlife area into a residential zone.
- The rear of the premises is an eyesore with 2 air conditioning units on the roof.

Wickersley Parish Council have raised objections with regard to adverse impact on residential amenity and the character of Wickersley due to:

- Noise and anti social behaviour. Granting a general drinking license will result in a more intensive use of the premises. Potential for noise from the outside patio.
- These premises are located outside of the defined District Centre in what is predominantly a residential area, unsuited to uses that have the potential to cause nuisance such as drinking establishments.
- Late night nuisance , traffic congestion and pressure on car parking.

At the time of preparing the report, seven Right to Speak requests have been received from persons wishing to object to the application and two from the applicants.

Consultations

RMBC - Transportation and Highways Design: Note that the Council's car parking standards for commercial development are maximum requirements which seek to encourage more sustainable, alternative forms of travel to the car. In this instance, the premises are located on a high quality bus route in Wickersley town centre and within a convenient walking distance for a large number of residents. On street parking is available in the service road fronting the site although it is acknowledged that this is subject to extensive demand at present. The adjacent classified road network is subject to waiting restrictions and the Council could consider extending restrictions in the future if necessary. Unauthorised car parking in private car parks is a civil matter and obstruction of accesses would be for the police to address.

Whilst the proposed change of use could potentially increase parking demand, it is not considered that any such increase would be material and would not result in a severe impact in road safety terms. Accordingly, the proposal is considered to be acceptable from a highway safety aspect.

RMBC – Environmental Health: Have raised objections to the proposal due to the close proximity of residential properties. They consider that a drinking establishment would not be appropriate due to loss of amenity from noise nuisance and anti-social behaviour.

Appraisal

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

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

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

The main considerations in the determination of this application are considered to:

- The principle of the proposal
- Impact on neighbouring amenity.
- Highway safety.
- Other issues raised by objectors.

Principle

The principle of this commercial use is long established as a restaurant with ancillary sales of alcohol dating from the change of use application in 1996.

The site is currently designated as a Retail (Town Centre) site within the adopted UDP (Unitary Development Plan), though that is to change imminently under the emerging Sites and Policies Plan to a Residential allocation.

Core Strategy Policy CS29 'Community and Social Facilities' states that "The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities"

The supporting text adds at paragraph 5.7.30 "Social interaction, whether for recreational, educational or social reasons, is vital to the development of a healthy community. Community facilities are essential for local residents and contribute towards health and well-being." (The definition of community facilities includes public services, community centres and public halls, arts and cultural facilities, policing, fire and ambulance services, health and education facilities, public houses)

Sites and Policies SP12 'Development in Residential Areas' (as proposed to be amended) states that:

"Non residential uses will be considered in light of the need to maintain the housing land supply and create sustainable communities, and normally only permitted where they:

- a. are ancillary and complementary to the residential nature and function of the area; and
- b. are no larger than is required to meet the needs of local residents; and
- c. will not have an unacceptable impact on the residential amenity of the area; and
- d. demonstrate how they will be of benefit to the health and well-being of the local population."

The supporting text notes that "certain non-residential uses will be allowed in residential areas where they are ancillary and complementary to the main residential use. Such uses could include proposals for convenience shops serving the local area only, social and community facilities, public houses, amenity and local recreational open space."

Taking into account the long standing use of the site as a restaurant the proposed mixed A3/A4, use to allow the sale of alcoholic drinks without a meal, could be acceptable in principle. However, it is considered that the amenity issues have to be taken into consideration as detailed below.

Impact on neighbouring amenity

With regard to neighbour amenity Core Strategy Policy CS27 'Community Health and Safety' states that "Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments."

Sites and Policies SP55 Pollution Control states that “Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to: (amongst others)

- the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development.”

The policy further adds that “Some uses are particularly sensitive to noise. For the purposes of this policy these include, but are not restricted to: housing and residential institutions, educational establishments, care establishments such as hospitals and nursing homes, public buildings such as libraries and museums, places of worship, places of audience based recreation, offices and research establishments.”

‘Saved’ UDP policy ENV3.7 ‘Control of Pollution’ also states that “The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.”

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):

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

The NPPF at paragraph 123 adds that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

The existing restaurant, whilst currently forming part of the extended retail area of Wickersley, is located directly adjacent to residential properties at the rear on Morthen Road and also close to those on Moss Close with many other residential properties in close proximity to the site. In recognition of this the allocation of the site is to be changed under the Sites and Policies plan to Residential.

Objections to the proposal have been received with regard to existing noise nuisance from the premises, mainly in relation to people leaving late at night and bottles being emptied. Objectors have also referred to noise and anti-social behaviour in the area which they consider results from the other drinking establishments in Wickersley and which they are concerned will be increased by the proposed changes to the use of the existing restaurant.

The applicant has indicated that the existing primary use of the business will not change and will be predominantly as a restaurant with limited sales of alcohol to non-diners. It has also been suggested by the applicant that this could be controlled by the imposition of planning conditions.

However, it is considered that if this proposal was granted there is the potential for the A4 side of the use to increase such that the premises would become primarily a drinking establishment rather than a restaurant, notwithstanding the stated intentions of the

current owner. Whilst opening hours and live music could be restricted by planning conditions, the actual use would be very difficult to control and it is considered that the existing use as a restaurant involves less movement of cars/people to and from the premises than a bar would. Therefore there is the potential for the proposed use to create more noise and general disturbance for local residents than the existing use.

Environmental Health officers have also assessed the proposal and consider that a drinking establishment would not be appropriate in this location as it could lead to a potential loss of amenity from noise nuisance and anti-social behaviour due to the close proximity of residential properties.

Taking all of the above into account the proposed change of use is not considered to comply with the aims of the Policies referred to above, as well as the guidance in the NPPF, and as such cannot be supported.

Highway safety

Turning to the issue of highway safety, it is noted that neighbouring residents have raised concerns about parking problems in the service road and adjacent roads and private car parks.

Core Strategy Policy CS14 states that the Council will work with partners and stakeholders to focus transport investment on making places more accessible and on changing travel behaviour. Accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst other things)

- The use of maximum parking standards for non-residential developments aimed at reducing the number of car trips to and from them.

Sites and Policies SP29 Sustainable Transport for Development states that Development proposals will be supported where it can be demonstrated that:

- a. As a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;
- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected.

The Council's Highways officer states that on street parking is available in the service road fronting the site, although it is acknowledged that this is subject to extensive demand at present. The adjacent classified road network is subject to waiting restrictions and the Council could consider extending restrictions in the future if necessary. Unauthorised car parking in private car parks is a civil matter and obstruction of accesses on nearby residential streets would be for the police to address.

The Highways officer considers that whilst the proposed change of use could potentially increase parking demand, it is not considered that any such increase would be material and that it would not result in a severe impact in road safety terms. Accordingly, the proposal is considered to be acceptable from a highway aspect.

Other issues raised by objectors

A number of other issues were raised by objectors which included several references to that fact that the publicity for the application had not been carried out correctly, though the application was advertised in line with the statutory requirements by a public notice in the local press (a dated copy of the notice in the Rotherham Advertiser is on file), site notices displayed on Bawtry Road and immediate neighbours notified individually by letter.

Other issues raised by objectors, such as the applicant's original intentions, are not material planning considerations in the assessment of this application and the application can only be assessed on the basis of the information submitted.

The air conditioning units do not form part of this application and are not being considered at this time.

The applicant is not requesting an extension of the existing opening hours as part of this application.

Conclusion

In conclusion, whilst the sale of alcohol in association with the authorised use as a restaurant is acceptable the potential increase in the use of the premises as a bar could result in an unacceptable level of noise and disturbance for nearby residents and it is not considered that this could be adequately controlled by the imposition of planning conditions.

As such, Members are requested to refuse planning permission in line with the recommendations in this report.

Reason for Refusal

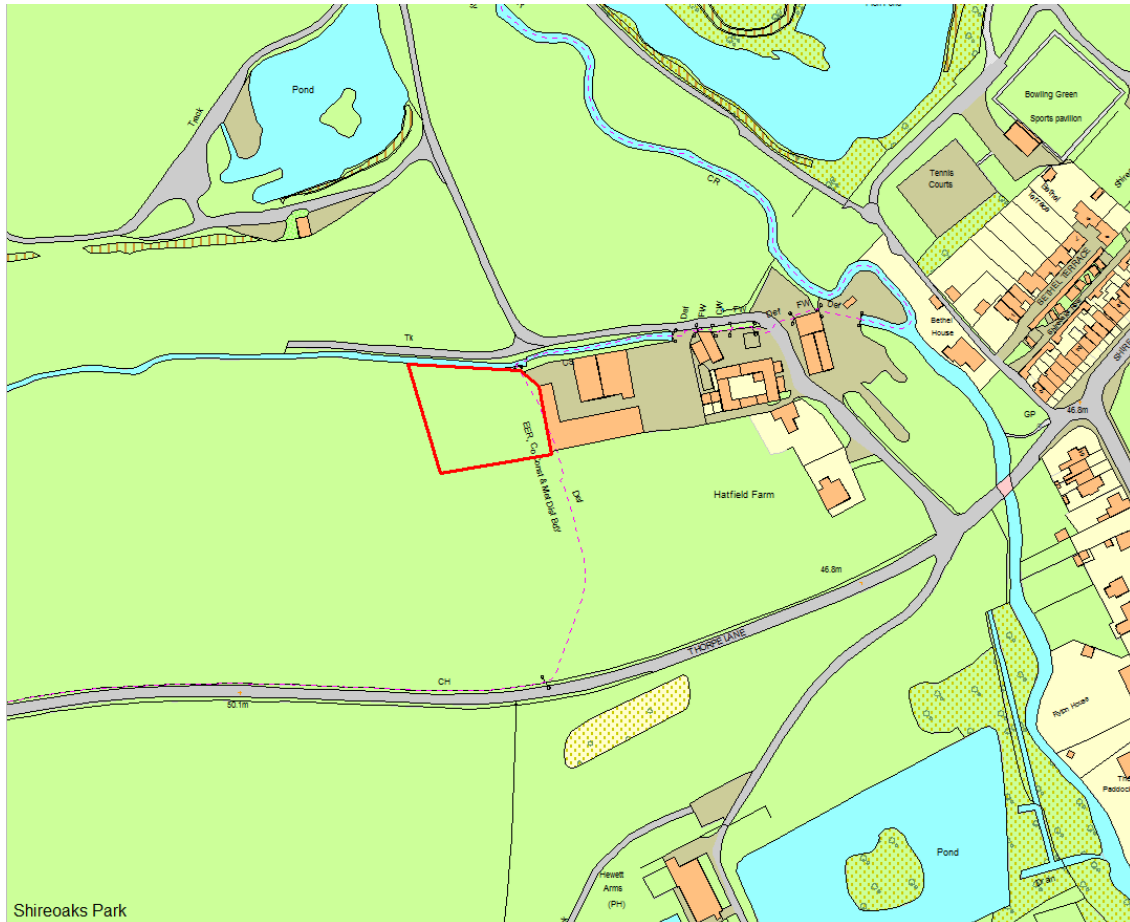
The Council considers that the proposed change of use to include A4 drinking establishment use would result in a significant increase level of noise and general disturbance for local residents and as such would be contrary to Core Strategy Policy CS27 'Community Health and Safety', Sites and Policies SP12 'Development in Residential Areas' and SP55 'Pollution Control', and the aims of the NPPF.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant entered into pre application discussions with the Local Planning Authority potential problems with a scheme of this nature have been identified and discussed and no amendments are considered possible to make it acceptable. The application is not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.

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| Application Number | RB2018/0591 |
| Proposal and Location | Erection of new grain store and new internal access road to site at Hatfield Farm, Thorpe Lane, Shireoaks, Worksop S81 8LS |
| Recommendation | Grant Conditionally |

This application is being presented to Planning Board due to the scale of the proposal.



Site Description & Location

The application site is situated adjacent to existing farm buildings at Hatfield Farm, which is located off Thorpe Lane, Shireoaks. The site is immediately adjacent to the boundary with Bassetlaw District Council with Hatfield Farm house and all the existing farm buildings falling entirely within Bassetlaw District Council.

There are a number of heritage assets which are located close to this site, all of which are in Bassetlaw District Council, these are as follows:

- Shireoaks Conservation Area to the east.
- Church of St Luke the Evangelist Grade II Listed to the east.
- West and East Stables at Shireoaks Hall Grade II* Listed to the south.
- Shireoaks Hall Grade II* Listed to the south.
- Formal water gardens at Shireoaks Hall, a Scheduled Ancient Monument to the south.
- Shireoaks Hall Registered Park and Garden, Grade II* Listed.

The immediately surrounding area is open countryside designated as Green Belt and an Area of High Landscape Value. The nearest residential properties are located to the east of the site and relate to the Hatfield Farm site.

The farm complex is located entirely outside of the Rotherham Borough and is in Bassetlaw District Council.

Background

RB2017/0143: Erection of new grain store & general store and new internal access road to site - GRANTED CONDITIONALLY 03/04/18

Proposal

The proposal is a resubmission of a previously approved grain store (RB2017/0143) and it is proposed to lower the roof of the grain store from the previously approved scheme and to extend the footprint of the building by adding an additional bay.

The building would comprise a grain store and general purpose agricultural building on open agricultural land to the west of the farm complex. The site would be accessed via a new access road which would be extended from the existing access road that runs past the existing farm buildings, and would extend across a brook that lies to the north of the site.

The submitted Design and Access Statement states that: "Tinkerwood Farming (the applicant) farms 750 acres an increase from 650 acres which was the case when the previous application was submitted. Depending on crop and cropping areas need between 2,000 to 2,400 tonnes of storage capacity. The current grain facilities are not large enough and cater for 1,100 to 1,200 tons of storage. Out of the 4 existing buildings that they have, only 2 meet the current long term storage requirements."

The proposed building would be constructed of profiled metal and cement sheeting and would measure 40 metres in width, an increase from 30 metres in width from the previously approved scheme. The depth of the building would be unchanged at 31.5 metres with the overall height of the building reduced from 13.5 metres to the ridge to 9.6 metres.

The original proposal when initially submitted under the previous application was for a building of the same footprint though this was reduced further to negotiations with the applicant. However, the applicant now states that the increased acreage and expected crop yields necessitate this larger building. As under the previous application the applicant has indicated that the colour of the cladding would be green as opposed to goosewing grey which is used in the existing buildings adjacent, to reduce the visual impact of the building.

The applicant has stated that the building needs to be in this location as an alternative location to the north of the site is uneconomic in shape and area and would have greater impacts on residents of Cinder Hill and the lower end of Shireoaks Village. They have also stated that the site would need to be raised as it floods.

The applicants have submitted a Heritage Statement which concludes that: "Overall the proposal will have no significant adverse effect on any historic assets in the vicinity of

the site, and in accordance with paragraph 134 of the NPPF the benefits of ensuring viable, efficient agricultural production would outweigh the very limited harm caused.”

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).

The application site is located in the countryside and is washed over Green Belt and an Area of High Landscape Value in the UDP. The Green Belt allocation is to be retained in the Emerging Sites and Policies Document, though the Area of High Landscape Value allocation will not be carried forward. As noted above, there are a number of Heritage Assets close to the site (within Bassetlaw). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belt'

CS21 'Landscape'

CS23 'Valuing the Historic Environment'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV1.1 'Development in Areas of High Landscape Value'

ENV2.8 'Settings and Curtilages of Listed Buildings'

ENV2.12 'Development adjacent to Conservation Areas'

Emerging Sites and Policies Document

SP7 'New Agricultural or Forestry Buildings or Structures in the Green Belt'

SP46 'Conserving and Recording the Historic Environment'

Other Material Considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3rd 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 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

The Sites and Policies Document has completed its independent examination and the Council has received the Inspector’s final report and Main Modifications. The Council envisages adoption of the Sites and Policies document in late June 2018. Given the stage of plan preparation the Council considers that significant weight can be given to the draft policies in line with paragraph 216 of NPPF.

The Core Strategy / Unitary Development Plan Policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of site notice, press notice, (Dinnington Guardian) and letters to neighbouring properties as affecting the setting of Shireoaks Conservation Area, Church of St Luke the Evangelist Grade II, West and East Stables at Shireoaks Hall Grade II*, Shireoaks Hall Grade II* and Shireoaks Hall Grade II*, Shireoaks Hall Registered Park and Garden Grade II*, Grade II* Listed and Scheduled Ancient Monument of Formal Water Gardens.

The Council has not received any comments on the publicity.

Consultations

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

RMBC (Landscape Design) – No objections.

RMBC (Ecologist) – No objections.

RMBC (Drainage) – No objections subject to recommended conditions.

Environment Agency – No objections subject to the building being constructed in accordance with advice contained in DEFRA’s good agricultural practice for farmers guidance.

Historic England – No comments received as yet, though on the previous application they noted that the application site and surrounding agricultural land provide a significant contribution to the setting of the important group of highly graded heritage assets and affords views over the extensive former parkland with clear intervisibility between Shireoaks Hall, stables and existing farm buildings. It considers that the proposed development will cause some harm to the setting and appreciation of this important group of highly graded heritage assets as well as views of the Church of Luke the Evangelist and the Shireoaks Conservation Area. Under the previous scheme Historic England recognised the need for improved facilities to enable the requirements for capacity and crop assured standards to be met whilst growing the production of the farm. Nevertheless, it was concerned about the impact of this large agricultural building on the setting of the Conservation Area and the group of highly graded designated heritage assets to the south of Thorpe Lane and stated that the applicant needs to provide justification for the harm to setting from the proposals.

The Gardens Trust – No comments received though under the previous application raised concerns about the lack of information submitted with the application and stated that the Heritage Statement is inadequate to assess the impact on the Designated Heritage Assets, with the application requiring careful justification.

The Georgian Group – No comments received though under the previous application raised concerns about the original and the revised proposals. They raised concerns about the siting of the proposed building and the impact on the setting of the Grade II* Registered Park and Gardens, the Water Gardens and the Stables and Shireoaks Hall itself. They also considered that the applicant failed to provide justification for the harm to the setting of these Designated Heritage Assets.

Bassetlaw District Council: No comments received though under the previous application considered the proposed building to be harmful to the setting of the Heritage Assets by virtue of its siting, scale and appearance but appreciated that this harm would be less than substantial and should be determined in accordance with section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies contained in the NPPF. With regard to NPPF policy a clear and convincing justification for the proposal should be provided and the public benefits of the scheme may be considered in determining the application.

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 and impact on the openness of the Green Belt.
- Impact on the setting of designated heritage assets and design issues.
- Impact on an Area of High Landscape Value and landscape generally.
- Ecology issues.
- Transportation issues.
- General amenity issues.

Principle of the development in the Green Belt, including impact on openness.

Policy CS4 Green Belt states that: “Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy”. This policy advice is further re-iterated in the National Planning Policy Framework (NPPF) which states at paragraph 89 that: “A local planning authority should regard the

construction of new buildings as inappropriate in Green Belt. Exceptions to this (amongst others) include:

- Buildings for agriculture and forestry.”

Emerging Policy SP7 New Agricultural or Forestry Buildings or Structures in the Green Belt states that “Planning applications for new agricultural or forestry buildings or structures must demonstrate that the building or structure is needed, designed and constructed solely for the purposes of agriculture or forestry. The use of appropriate planning conditions will ensure that any new building not used for agricultural purposes within ten years of its construction shall be removed. All proposals will require careful assessment as to the impact and appropriateness of the development; consideration will be given to the size, scale, position, screening, enclosures, lighting and design of the buildings.”

The Council’s Interim Planning Guidance on ‘Development in the Green Belt,’ further notes: “Any new agricultural or forestry building or structure must be needed, designed and constructed only for agricultural or forestry purposes. This prevents the building of property which is intended to be converted (for example, into a home). In accordance with Part 6 the General Permitted Development Order, any new building not used for agriculture within 10 years shall be removed.”

The applicant has indicated that the building would be used as a grain store and for general agricultural storage. Hatfield Farm, as part of Tinkerwood Farms, is a large working farm which covers approximately 650 acres within the locality. It is considered that the building is reasonably required to serve this large holding and the proposed use of the building in association with agriculture does not represent inappropriate development in the Green Belt.

In terms of assessing the impact on the openness of the Green Belt it is noted that the building is very large and would inevitably have an impact on the openness of the Green Belt. However, the building is not inappropriate development and the applicant has a clear functional requirement for this building on this large agricultural holding.

It is considered that the impact on the openness of the Green Belt is mitigated by the fact that the building is located immediately adjacent to the existing complex of farm buildings with the village of Shireoaks slightly further to the east.

Impact on the setting of designated heritage assets and design issues

The site is within open countryside and is located adjacent to a number of heritage assets including Shireoaks Conservation Area, Grade II Listed Church of St Luke the Evangelist, Grade II* West and East Stables at Shireoaks Hall, Grade II* Shireoaks Hall, a Scheduled Ancient Monument of the Formal water gardens at Shireoaks Hall and Grade II* Shireoaks Hall Registered Park and Garden.

Emerging Policy SP 46 ‘Conserving and Recording the Historic Environment’ states that: “All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan.”

In terms of assessing the impact on the setting of these designated heritage assets, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 of the Act requires that in respect of development in or that would affect the setting of a Conservation Area "special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area."

Core Strategy Policy CS23 'Valuing the Historic Environment' states that: "Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (which includes amongst other things that): d. Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest."

In addition, UDP Policy ENV2.8 'Settings and Curtilages of Listed Buildings' states "The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context."

UDP Policy ENV2.12 'Development adjacent to Conservation Areas' states that: "In considering proposals for developments adjacent to Conservation Areas, special regard will be had to their effect on the Conservation Areas and, if necessary, modifications to ameliorate the effect will be required before approval is given."

In this respect the National Planning Policy Framework (NPPF) states at paragraph 128 that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 132 adds: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Paragraph 134 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." In terms of assessing the impact of the design of the property Policy CS28 'Sustainable Design,' states 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."

The landscape character surrounding these designated heritage assets is attractive and undeveloped and rural in nature. This attractive landscape character contributes

positively to the setting of these designated heritage assets and reinforces the small scale nature of the village as a rural and agricultural settlement. The network of fields surrounding these designated Heritage Assets and the village provides an attractive agricultural context which links in to the past of this rural settlement.

It is noted that the proposed building could be located directly to the north of the farm buildings on land belonging to the applicant. It is considered that the overall harm to the higher grade heritage assets surrounding Shireoaks Hall and the Scheduled Monument of the formal water gardens of Shireoaks Hall would be minimal, by locating the building in this alternative location, but that it would have a greater impact on the Shireoaks Conservation Area and the Grade II Listed Church of St Luke the Evangelist.

However, the applicant is unwilling to do this and has stated that the building needs to be in the proposed location as an alternative location to the north of the site is uneconomic in shape and area and would have greater impact on residents of Cinder Hill and the lower end of Shireoaks Village. The applicant has also stated that the site to the north would need to be raised as the site floods. In addition the applicant argues that the location is necessary for security issues and to utilise existing power sources and other services.

This amended scheme increases the footprint of the approved building but lowers its height. The applicant has justified this increase in floorspace by the addition of 100 acres to his already substantial agricultural holding. In addition, the applicant argues that the reduction in height of the building should mitigate the harm to the setting of the surrounding heritage assets and the openness of the Green Belt.

In terms of impact on the Designated Heritage Assets they can be placed into two distinct groups: Group 1 - Shireoaks Conservation Area and the Grade II Listed Church of St Luke the Evangelist, to the west of the site. Group 2 - The Grade II* East and West Stables at Shireoaks Hall, Grade II* Shireoaks Hall, a Scheduled Ancient Monument of the Formal water gardens at Shireoaks Hall and Grade II* Shireoaks Hall Registered Park and Garden, all to the south of the site.

It is noted that Historic England commented on the previous scheme that; “the proposed development will cause some harm to the setting and appreciation of this important group of highly graded heritage assets as well as views of the Church of Luke the Evangelist and the Shireoaks Conservation Area.”

It is also noted that on the previous application The Gardens Trust and the Georgian Group have raised concerns about the setting of Heritage Assets, namely the highly graded Group 2 and the lack of analysis that the applicant has provided to the impact on these Assets.

The impact on the setting of these two groupings of heritage assets will be considered separately.

Group 1

The agricultural building would be viewed on the approach to the village of Shireoaks and its corresponding Conservation Area and the church of St Luke the Evangelist by Thorpe Lane. The building would extend the existing farm complex by 40 metres to the west with a landscaping buffer being planted around the proposed building.

It is considered that the building would increase the overall scale and massing of the farm complex, though would sit alongside the existing buildings. This is considered to mitigate the overall harm to the setting of these designated heritage assets and it is considered that this harm would be minor, as there would remain a large rural landscape buffer to the north and south of the farm complex that helps to preserve the setting of these Heritage Assets, particularly when viewed from the west with the farm complex in the foreground and the Heritage Assets to the rear. The reduction in the overall height of the building as now proposed compared to that recently approved would also reduce its potential impact.

Group 2

This grouping is by far the more significant owing to the higher grade of these designated Heritage Assets.

It is considered that the cumulative impact of the proposed agricultural building and its overtly modern appearance alongside the existing farm buildings will have a detrimental appearance on the contribution that the low lying agricultural land makes to the significance of the group of highly graded designated Heritage Assets. As such, it is considered that the proposed development would lead to less than substantial harm to the setting of all these Heritage Assets by increasing built form within the otherwise open rural surroundings with a functional and utilitarian agricultural building.

It is noted that the building would be extended in width by approximately 10 metres and lowered in height by approximately 4 metres. It is considered that the increase in width would increase the overall visual impact of the building though this would be mitigated to some extent by reducing the height of the building.

The NPPF sets out in paragraph 129 that all possible steps should be taken to minimise any harm to heritage assets. It is noted that the applicant has considered and discounted for functional and economic reasons an alternative site to the north of the farm complex, which would represent a more discreet location for the proposed grain store within the site. It is also argued that the building is required for the functioning of the farm and for the purposes of agricultural production.

It is considered that, on balance, the less than substantial harm to the higher grade Heritage Assets in Group 2 and the minor harm to the setting of the Heritage Assets in Group 1 is justified by the impracticalities of this alternative more discreet location to the north. Furthermore, the need for agricultural production is a public benefit which also provides justification for this less than substantial and minor harm to these designated Heritage Assets.

Furthermore, it is noted that a landscaping scheme is proposed around the buildings which would also help to mitigate the appearance of the building within the wider landscape.

In terms of general design issues Policy CS28 'Sustainable Design' of the Core Strategy states: The design process shall take into account: (Amongst other things)

- a. the topography, landforms, Green Infrastructure assets, river and canal corridors, important habitats, waterways, woodlands, other natural features and open spaces that provide opportunities for an accessible choice of shade and shelter, recognise opportunities for flood storage, wildlife and people provided by multi-functional greenspaces.

- b. views and vistas to landmarks and skylines into and out of Rotherham Town Centre and across Rotherham to the surrounding countryside
- c. heritage, townscape and landscape character including the height, scale, massing, density, layout, building styles and materials of the built form particularly (but not exclusively) in and around:
 - i. Rotherham Town Centre
 - ii. within and adjacent to Conservation Areas

The NPPF notes at paragraph 56 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.”

The agricultural building is functional in appearance and reflects the design of other agricultural buildings in the locality and is considered acceptable in this respect.

Impact on an Area of High Landscape Value and landscape generally

The site lies within an Area of High Landscape Value and within the Ryton Farmlands landscape character area which was assessed in 2010 as being of moderate strength of character in moderate condition. The existing grain store, whilst large, sits within the context of the existing farm complex on the edge of the village.

The Council’s Interim Planning Guidance ‘Development in the Green Belt’ states that: “...all applications for new agricultural or forestry buildings or structures must be needed and designed only for agricultural or forestry purposes. This prevents the building of property which is intended to be converted (for example, into a home).” ‘Saved’ UDP Policy ENV1.2 ‘Development in Areas of High Landscape Value’ states that: “In areas of High Landscape Value, development other than for agriculture will only be allowed where it will not result in a significant, and permanent adverse impact on the landscape. New agricultural buildings and ancillary development requiring planning permission will normally be allowed, provided they are not detrimental to the local environment, as will agricultural dwellings where a genuine agricultural need for them is demonstrated. Strict control will be exercised over the development that does take place to ensure that the visual character of these areas is not affected.”

Core Strategy Policy CS21- ‘Landscape’ – states that: “Within Areas of High Landscape Value, development will only be permitted where it will not detract from the landscape or visual character of the area and where appropriate standards of design and landscape architecture are achieved.”

The Council’s Landscape Architect notes that views of the site and the proposed grain store and adjacent existing farm complex are likely to be limited to a radius of approximately 1km which is considered to be of no more than local importance, with limited views available from the village itself to the east and with more open views to the south.

The Landscape Architect considers that the predicted change in view and landscape character resulting from the new grain store extension is not likely to be significantly adverse. The colour and materials of the store is shown as to match existing building

though darker colours are preferable for the building's cladding as they tend to recede into the landscape, and the applicant has amended the colour to a dark green to address this.

Furthermore, as the building is seen against the backdrop of Hatfield Farm and the village of Shireoaks it would have less landscape impact than if it was in an exposed location.

Finally, the Area of High Landscape Value annotation is not being referred to in the emerging ASites and Policies Document, which is due to be adopted by the Council at the end of June.

Impact on ecology

The NPPF notes at paragraph 109 that the "planning system should contribute to and enhance the natural and local environment by: (amongst other things) protecting and enhancing valued landscapes, geological conservation interests and soils." The NPPF states at paragraph 118 states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: (amongst other things) • opportunities to incorporate biodiversity in and around developments should be encouraged."

The Council's Ecologist has raised no objections to the proposals in ecology terms. However, it is considered reasonable to append a condition which requires details of the brook crossing which would include the culvert. This condition would allow the ecological impact of this part of the scheme to be adequately assessed by the Council's Ecologist.

Transportation issues

The Council's Transportation Unit were notified of the application and raised no objections to the proposals from a highway safety perspective.

General amenity issues

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):

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

It is noted that the proposed agricultural building would be set at a significant distance from neighbouring residential properties at Cinder Hill and Shireoaks village with the nearest residential properties forming part of Hatfield Farm. It is considered that at the considerable distance from any residential properties the proposed agricultural building would not harm the residential amenity of neighbours in terms of noise and disturbance or any other amenity issues.

As such, taking account of the above, it is considered that the proposed development would be in accordance with the advice contained in paragraph 17 of the NPPF and would not significantly harm the amenity of neighbouring occupants.

Conclusion

In conclusion, the revised proposal represents appropriate development in the Green Belt and it is once again considered that the less than substantial harm to the higher grade Heritage Assets in Group 2 and the minor harm to the setting of the Heritage Assets in Group 1 is justified by the impracticalities of the alternative more discreet location to the north. Furthermore, the need for agricultural production is a public benefit which also provides justification for this less than substantial and minor harm to these designated Heritage Assets.

Furthermore, it is considered to be acceptable in drainage, ecology and highway terms subject to the recommended conditions.

As such, Members are requested to grant planning permission in line with the recommendations in this report.

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 number Location Plan/7475/ 7942)(received 13/04/2018)

Reason

To define the permission and for the avoidance of doubt.

03

No above ground construction of the proposed building 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 to protect the setting of adjacent designated Heritage Assets in accordance with Core Strategy Policies CS23 'Valuing the Historic Environment and CS28 'Sustainable Design.'

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that the building can be reached conveniently from the highway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

05

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

06

Prior to the commencement of development, details of the brook crossing shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of drainage and ecology and in accordance with guidance set out in the NPPF.

07

Prior to the commencement of development a surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. 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.

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.

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 06 & 07 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

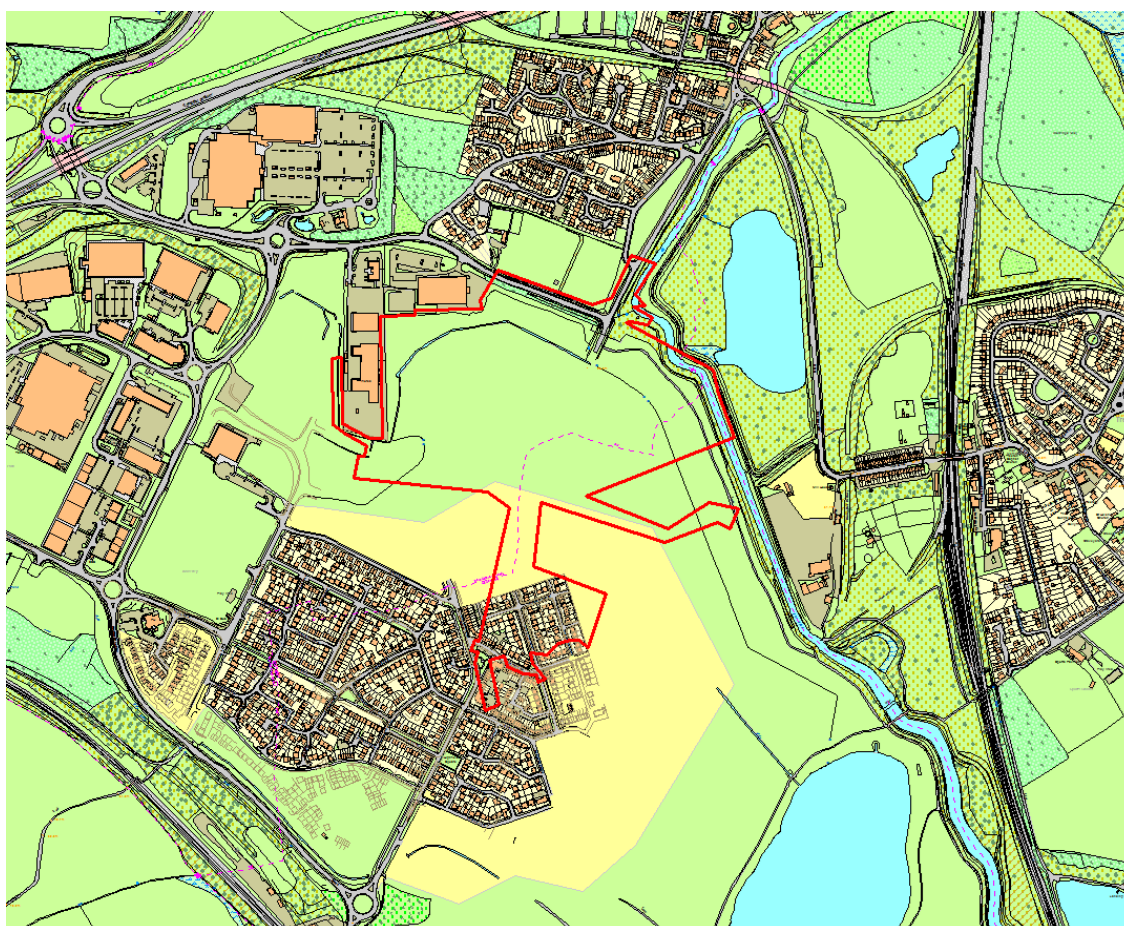
- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 06 & 07 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.'

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|--|
| Application Number | RB2018/0682 |
| Proposal and Location | Enabling infrastructure comprising engineering operations and earthworks to level the site to form development platforms, the excavation of a swale, the installation of pipe work for surface water and foul drainage, the construction of an extension to Highfield Lane linking to Orgreave Road and the provision of structure landscaping at Waverley New Community |
| Recommendation | Grant subject to conditions |

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



Site Description & Location

The Site is approximately 16.4 hectares in size and forms part of the Waverley New Community site at Waverley. It is located to the east of the Advanced Manufacturing Park and the Highfield Commercial Site and north of the existing residential development (Phases 1a-1j) being built out at Waverley New Community. The site is referred to in the approved Masterplan Framework and Principles Documents (September 2017) as Waverley Gate and it forms one of the Design Code Areas for the new community.

The site now forms part of Phase 2 of the new community and will connect Waverley to the north with links through to Catcliffe.

Background

The following applications are relevant to the application site –

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011
- RB2011/1296: Application under S73 with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011
- RB2012/1428: Application under S73 with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of the works to be undertaken. - GRANTED CONDITIONALLY ON 26/04/2013
- RB2013/0584: Non-material amendment to application RB2012/1428 to include amendments to Conditions 03, 04, 26 and 48 - GRANTED CONDITIONALLY on 26/09/2013
- RB2013/1496: Non-material amendment to RB2012/1428 to change wording of Condition 48 to allow Masterplan Parameters to be updated – GRANTED CONDITIONALLY on 27/11/2013
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way – GRANTED CONDITIONALLY on 29/09/2014
- RB2015/1460 - Application to vary Condition 19 (details of improvement to B6066 Highfield Spring/Brunel Way (AMP North) imposed by RB2014/0775 – GRANTED CONDITIONALLY ON 17/12/2015
- RB2017/0743 - Application under Section 73 for a minor material amendment to vary conditions 2, 3, 4, 6, 7, 8, 14, 16, 22, 24, 37 & 39 imposed by RB2015/1460

(Outline application for Waverley New Community) which relate to the Masterplan Development Framework and Principles Document, floorspace limits of none residential use classes and highway improvement works – Granted Conditionally 05/12/2017

EIA Screening Opinion

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

Proposal

This is a full application for the provision of enabling infrastructure comprising of the following:

1. Earthworks

The proposed development proposes to regrade the land to make it level and to create development platforms for the future proposed residential development. These works include the filling in of the ditch referred to as Channel C within previous drainage documents for Waverly New Community which runs from the west of the site around the Foers boundary up towards the northern boundary of the site and then runs eastwards towards the River Rother and down towards the Waverley reservoirs. It also includes the filling in of areas to the north of the site along the boundary with JTF and Poplar Way. To enable these filling earthworks, other areas of the site need to be cut to provide the earth needed together with earth from three of the earth mounds on site.

Overall, 15,164 cubic meters of earth will be cut and then filled on site to create a level site for future development. There will be 13,237 of excess cut which will remain in earth mounds on site. 6,000 of this earth is within a mound of which the majority of it is planned to be moved off site by National Grid. The removal of this earth off site is subject to a separate planning application (RB2018/0705) and therefore this engineering operation is outside the scope of this planning application.

There is an additional earth mound on site which is east of the Phase 2A plot and situated at the current end of Highfield Lane. Given the earth mounds location, it needs to be moved within the site to allow construction works to extend Highfield Lane. This will comprise simply moving the earth to reshape the existing mound.

Additionally, a new linear earth mound will be formed along the Foers boundary of the site. Earth is being moved to this location in anticipation of forming a noise bund along this boundary. The formation of the noise bund does not form part of this planning application; however, noise assessment work has informed the size of the bund required and the volume of earth needed (4,170 m³). The moving of the earth to this location to be stored for a period of 2-3 months until permission is granted for the noise bund, is however part of this planning application and forms part of the earthworks

strategy. The construction of the noise bund will be submitted for approval under separate cover in due course.

Finally, a swale will be created along the Foers western and southern boundary. This swale will be created to accommodate surface water from Highwall Park and land to the north

2. Drainage

This application incorporates proposals for both surface and foul drainage systems to enable the site to be serviced, but also to help continue facilitate the overall drainage strategy of the wider Waverley site. The drainage works proposed link into the existing drainage system and includes the formation of a surface water system which drains the Waverley Gate development area but also drains the northern part of the proposed Highwall Park. The surface water drainage proposals include the formation of a swale around the Foers boundary, the installation of surface water sewers and the formation of a new watercourse and an attenuation pond.

3. Highfield Lane Extension

As part of the outline planning permission for the New Community, it was proposed to reinstate Highfield Lane to provide a link through the new community site from Catcliffe (Poplar Way and Orgreave Road) to Handsworth (Highfield Lane B6066). Highfield Lane has gradually been reinstated from the south of the development (Handsworth side). Approximately half of the Highfield Lane reinstatement has taken place which ends at Phase 2A and the proposed school plot. The proposed development proposes to reinstate the remaining extension of Highfield Lane to link it to Orgreave Road and Poplar Way which follows the exact alignment of the outline consent. This application applies for the extension to Highfield Lane and the junction improvements to Poplar Way/Orgreave Road. Condition 15 of the outline planning permission and subsequent Section 73 applications requires details of the proposed improvements to this junction to be submitted to and approved by the Local Planning Authority.. The junction design and traffic signals as well as the Highfield Lane detailed design are currently being drawn up by the applicant and a subsequent discharge of conditions application will be submitted with the detailed design to satisfy the outline planning consent.

In terms of the construction of Highfield Lane and the proposed junction improvements, it is currently intended that works to Highfield Lane will commence in Summer 2018 with completion (including signal-controlled junction at Poplar Way) during 2019. At that time and dependent upon other activities on the wider Waverley site and AMP, a view will be taken along with the Highway Authority on the appropriate timing to open the road to all vehicle traffic under signal control, other for construction purposes.

4. Structural Landscaping

As part of the proposed development landscaping proposals are submitted for the boundaries of the Waverley Gate site together with the structure planting along Highfield Lane which is a requirement of the Outline permission. This application therefore applies for the structure planting along the Highfield Lane extension and indicates the structure planting along the western and north boundary of the site.

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 the required infrastructure to facilitate the next phase of residential development at Waverley New Community

Outline Surface Water Strategy This report concludes that a surface water drainage network can be provided that will accommodate the surface water run-off from the proposed WNC development along with the relevant adjacent development sites. This network will utilise a series of drainage measures including adoptable sewers, open watercourses and reservoirs to convey the surface water to the attenuation reservoirs prior to discharge at the limited rate of 5l/s/ha into the River Rother.

Extended Phase 1 Habitat Survey confirms that there are no sites of international conservation within 5km of the site. There is one Local Nature Reserve, Catcliffe Flash within 150m, however this is across the River Rother. No negative impact is expected on the statutory sites of nature conservation interest as a result of the development. There are 9 Local Wildlife sites within 2km of the site boundary. No negative impact is expected on these sites. Potential priority habitats within the site area include hedgerows and there is some potential for protected/priority species to be present which include bats, breeding/nesting birds, amphibians, reptiles and brown hare.

Preliminary risk assessment and coal mining risk assessment confirms that previous assessment at the site indicates that significant soil and groundwater contamination is not anticipated. However, potentially complete contaminant linkages were identified and those with risk estimations of moderate or above are:

1. Direct contact of the potential contamination within the soils to future on-site occupants.
2. Permeation of plastic water supply pipes by contaminants in soil and shallow groundwater.
3. Migration and build-up of ground gas within on-site buildings.

The Coal Mining Risk Assessment has identified only limited potential coal mining issues which may require mitigation and consequently necessitate further assessment by intrusive investigation. This includes confirmation of the suitability of the engineered fill material to loading and confirmation of the current ground gas regime.

Arboricultural Method Statement has been prepared in order to demonstrate that the development operations at this site can be undertaken with minimal risk of adverse impact on the trees to be retained. It confirms that the proposed development will result in the loss of 7 trees along the Poplar Way frontage and the pruning of 4 groups of trees along the same frontage.

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 unallocated in the UDP, however is allocated within the emerging Sites and Policies Document as a Special Policy Area, reflecting the outline permission for a new community.. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS3 Location of New Development
- CS19 Green Infrastructure
- CS21 Landscape
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk

Unitary Development Plan 'saved' policy(s):

- ENV3.7 Control of Pollution
- UTL2 Utility Services for New Development

Publication Sites and Policies - September 2015 policy(s)

- SP16 Land Identified for Industrial and Business Uses
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP47 Understanding and Managing Flood Risk and Drainage

Other Material Considerations

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

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

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

Publicity

The proposal was advertised in the press, on site and via letters to adjacent occupants. Eight letters of representation have been received, including one from Catcliffe Parish Council, two in support and the remainder objecting of the proposals. The comments are summarised below:

Support

- Waverley has long needed a proper road and footpath to get to Catcliffe without having to go the long way round.
- The planned signalised crossing will also make it a lot safer for people to cross on the way to and from the existing school in Catcliffe.

- Many councils also limit the speed past schools to 20MPH so perhaps this could be the limit for the road outside the planned school (or other appropriate speed calming measures) .
- Whilst I am in support of the road, there needs to be careful consideration with speed measures, particularly near the proposed school.

Objection

- I wish to object to Highfield Lane being extended into Catcliffe, mostly due to the lack of provision at the moment to control traffic and in particular the speed at which cars travel down the road.
- There has been little to nothing done by the landowners to come to a reasonable solution to make the road safe in the long term for children who play in the green space provided by Barratt's whilst cars fly past at 40-50mph.
- The road is not wide enough for buses already travelling through and combined with additional cars it is an accident waiting to happen.
- The provision of a new link road between the existing Highfield Lane and Poplar Way / Orgreave Road has the potential to significantly impact traffic routings if not implemented correctly.
- the application does not provide a design or operational assessment of the proposed signalised junction, forecast changes in trip distribution, or additional assessments of other junctions which will be impacted by changes in traffic
- I do not accept that a subsequent discharge of conditions application discussed in paragraph 4.25 of the Supporting Statement is sufficient to allow a conditional approval of this application. Taken together, changes in traffic routings and junction operation could necessitate changes to the design of the proposed scheme and therefore insufficient information has been provided to demonstrate that the proposals are acceptable in their current form.
- The majority of local resident concerns regarding this application will relate to the potential for large numbers of vehicles rat-running through the estate. The approved Waverley Masterplan states that Highfield Spring will continue to be the main route between Handsworth and Catcliffe. However this will not be the case if journey times are quicker through Waverley.
- An application with the potential for such significant impact on traffic routings and junction performance must be accompanied by a full Transport Assessment. Such an assessment should include an AM and PM Peak hour comparative journey time route analysis of the existing route via Highfield Spring and the new route via the new link road to inform the forecast highway impact.
- Although I support the completion & connection of Highfield Lane towards Catcliffe I believe the scheme as proposed is flawed for a number of reasons, the main ones being centred around the lack of proposed traffic calming measures.
- On weekday mornings traffic currently queues from Rotherham road along Highfield Spring as far as the Morrisons roundabout. What will discourage Highfield Lane being used as a rat-run to avoid this?
- On the original outline planning application RB2014/0775 the junction of Highfield Lane and Polar Way is shown as a key space with a very specific type of design indicated which included a narrowing effect in the streetscape to slow traffic and the bold statement that the entrance to the development needs a special treatment to signal the arrival and guide users through the space.. Why has this now been ignored completely?

- Why is there only one raised table on the plan as a traffic calming measure? Surely there should be one at every junction all the way up if you want to slow traffic down.
- There is no crossing shown at all near the proposed primary school? I'd expect a zebra crossing at least if not a signal controlled crossing.
- Any chance you can enforce planning conditions from earlier phases regarding double yellow lines to discourage on street parking for homes on Highfield Lane with rear parking spaces? 2 years on and still waiting.
- There is already a road around the edge of the estate (Highfield Spring), therefore why build this road (Highfield Lane) through the middle of the estate. It is simply not necessary and will create much increased traffic through Waverley.
- At busy periods traffic around Morrisons roundabout is extremely busy and this causes tailbacks along Highfield Spring. Cars are already taking a short cut along Highfield lane & Bradfield Way & Mitchell Way in order to get onto the roundabout along Highfield Spring. These cars which are rat running are driving at excessive speeds. Extending Highfield Lane will only increase this issue through the estate.
- If the Highfield Lane extension is to ease traffic on Highfield Spring it makes no sense to send the excess traffic through a busy housing estate. Surely it is a better idea to improve traffic flow on Highfield Spring?
- There are houses on Highfield Lane literally 2 metres from the road. It is unsafe for a house to be this close to a busy road.
- This road will effectively dissect the estate. With the school and park on one side and 100's of houses on the other. A significantly high proportion of households have children. How will these children safely cross a busy road?
- A number of residents have raised concerns about the layout of the road and the lack of speed restriction measures especially around the proposed primary school area and the strategic crossing points as part of the Highwall Park proposals. This is the longest straight section of the proposed road and whilst the road has been designed with bends in to slow traffic down the section by the school and Highwall park sees the longest straight section.
- Residents already on Highfield Lane have raised concerns about speeding that they feel occurs on that road. We have also done Community Speed watches in other areas of the estate where excess speed has been identified and vehicles travelling at 38mph whilst approaching a junction.

Catcliffe Parish Council

- The new access road will be close to a primary school and will also cross over strategic crossing points throughout the Waverley Estate. There are concerns that the safety of the pedestrians has not been considered and the Parish Council would like to request that additional speed reduction measures are implemented prior to the access road opening to full capacity.

Consultations

RMBC - Transportation and Highways Design raise no objections to the proposed development subject to conditions.

RMBC – Drainage originally raised objections to the proposed development because the effect of the proposal on on-site and off-site flood risk had not been adequately assessed. Following extensive discussions with the applicant and the submission of

additional information this objection has been removed and the development is now considered to be acceptable subject to conditions requiring detailed engineering drawings.

RMBC - Landscape Design acknowledge that whilst some vegetation is proposed to be removed in order to accommodate the development this loss is more than mitigation for by the new planting proposed. The planting proposals are therefore considered to be acceptable and able to provide for a range of planting types, capable of enhancing the character of the area subject to conditions requiring full details.

Consultant Arboriculturalist (on behalf of Trees and Woodland Manager) raise no objections to the proposed development subject to a condition requiring the protection of retained trees during construction works

RMBC – Ecologist raises no objections to the proposed development subject to the imposition of conditions

RMBC - Environmental Health have confirmed that there is potential for noise and dust amenity to local residents, commuters, dog walkers and commercial businesses as a result of the proposed works, however this can be mitigated against by the imposition of appropriately worded conditions.

RMBC – Public Rights of Way are in contact with the applicant relating to the permissive right of way affected within this area and can confirm that an alternative route has been put in ready for the duration of the closure. The development will eventually improve access and is in line with the approved rights of way and access action plan for this area. It is noted that the applicant is under no legal obligation to provide an alternative route, nevertheless they are working pragmatically with the local community to do so and that is something that is welcomed.

Environment Agency originally objected to the proposals as the submitted information did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. Upon receipt of additional information in the form of an addendum to the Flood Risk Assessment, the Agency have removed their objection subject to the imposition of a condition restricting the surface water run off.

Yorkshire Water – raise no objections to the proposed development subject to a condition requiring the submission of details relating to a satisfactory outfall.

SYMAS – have reviewed the Coal Mining Risk Assessment which indicates the site is not expected to be at risk from mining legacy risks. Accordingly and subject to further geo-environmental testing as recommended in the CMRA no objections are raised.

Sheffield Area Geology Trust have reviewed this planning application and report that there will be no impact from the proposed development upon any geological assets in the Rotherham area.

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
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues

The Principle of Development

The application site forms part of the Waverley New Community and lies close to residential properties that are currently being built to the south of the site. The principle of residential development on the site has been established under outline permission RB2017/0743, and the enabling and infrastructure works contained within this permission are required to facilitate the continued development of the site. Accordingly, the principle of development is acceptable.

Transportation Issues

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

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

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

- a) As a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;
- b) local traffic circulation, existing parking and servicing arrangements are not adversely affected;

- c) the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;
- d) schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access;

The Council expects that other measures to increase and encourage sustainable travel and movement habits through travel plan incentives, such as: bus service enhancements, bus priority schemes, improved or additional bus services, better information and subsidised ticketing, multi modal multi operator, cross boundary travel, are provided. Improvements to existing and new infrastructure, ensuring that any public transport stops are easily accessible by active means, and that opportunities to further enhance walking, cycling and appropriate measures to promote inclusive access, will be sought as appropriate.”

Paragraph 34 to the NPPF further notes that: “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

This application applies for permission to extend Highfield Lane and install junction improvements to Poplar Way/Orgreave Road. Condition 15 of the outline planning permission and subsequent Section 73 applications (most recent permission being RB2017/0743) requires details of the proposed improvements to this junction to be submitted and approved by the Local Planning Authority. This is the junction where Highfield Lane links into Poplar Way and Orgreave Road. The junction design and traffic signals as well as the Highfield Lane detailed design are currently being drawn up by the applicant and a subsequent discharge of conditions application will be submitted with the detailed design to satisfy the outline planning consent (Condition 15). It is acknowledged that objections have been received to the reinstatement of this road, however the proposed development is consistent with the outline planning permission which requires its reinstatement to ensure the traffic generated by the development can be accommodated on the local highway network.

The Council's Highways and Transportation Design team have assessed the submission documents in relation to the proposed alignment of Highfield Lane and have confirmed that they raise no objections to the proposals subject to conditions requiring site lines and construction details.

Having regard to the objections received, the reinstatement of Highfield Lane was embedded into the outline planning permission and its accompanying Transport Assessment which provided a robust assessment of the development based on the development of 3,890 dwellings. The primary route from north to south remains Highfield Spring which has a different character to the existing and future alignment of Highfield Lane. This has been designed to have a residential feel which will naturally calm traffic. It is therefore assumed in the TA that this will not take priority from Highfield Spring.

Accordingly, the development is considered to be acceptable in transportation and highway terms and as such accords with the provisions of Core Strategy Policy CS14

'Accessible Places and Managing Demand for Travel, Emerging Local Plan Policy SP26 'Sustainable Transport for Development' and Paragraph 34 of the NPPF.

Drainage and Flood Issues

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

Furthermore emerging policy SP47 'Understanding and Managing Flood Risk and Drainage' indicates that "The Council will expect proposals to:

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

Major developments of more than 10 dwellings, or more than 1,000 square metres of floorspace should comply with Defra Sustainable Drainage Systems Non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) and the South Yorkshire Interim Local Standards for Sustainable Drainage Systems (May 2015), or any future documents which supersede them."

The proposed development applies for both surface and foul drainage systems to enable the site to be serviced, but also to help continue facilitate the overall drainage strategy of the wider Waverley site. The drainage works proposed link into the existing drainage system at Waverley New Community. The proposed development includes the formation of a surface water system which drains the Waverley Gate development area but also drains the northern part of the proposed Highwall Park. The surface water drainage proposals include the formation of a swale around the Foers boundary, the installation of surface water sewers and the formation of a new watercourse and an attenuation pond.

A swale will be formed around part of the Foers boundary with the Site which will collect surface water from the catchment area. The swale then links into a proposed Perforated Land Drain which runs along the boundary of Highwall Park and joins the proposed Surface Water Sewer at Highfield Lane.

The proposed surface water sewers include a sewer which connects from an approved surface water sewer in Highwall Park (north) and which then runs through Highwall Park eastwards, under the Highfield Lane extension, through the proposed school plot and connects with the watercourse permitted as part of the phase 2A infrastructure works which has recently been excavated.

The second of the proposed surface water sewers starts from an outfall from Foers industrial site and runs through the proposed Waverley Gate development site and then northwards along the Highfield Lane extension. This sewer then veers east under the proposed road network of the Waverley Gate eastern development area to join the Channel C ditch which runs south-eastwards towards the reservoirs. This proposed surface water sewer includes stubs off the main sewer line which some of the future development plots can connect into as and when residential development comes forward.

The final proposed surface water element to the proposals is the proposed watercourse and attenuation pond located to the north-east of the site, adjacent to Poplar Way and the Highfield Lane extension. The watercourse and attenuation pond are proposed to drain part of the surface water from the Waverley Gate development parcel which includes all the land to the north of the proposed surface water drain from Foers. The surface water will firstly drain into the proposed watercourse, which is proposed to be adopted and then drain into the pond which will then discharge the surface water into the River Rother at a controlled rate of 5 litres per second per hectare.

The Council's drainage engineer, Yorkshire Water and the Environment Agency have all assessed the proposed works and following the submission of additional information confirm that the site can be appropriately drained and subject to the submission of additional information, which will be secured via appropriately worded conditions, the proposed development is considered to accord with the provisions of Policy CS25 'Dealing with Flood Risk' and emerging Policy SP47 'Understanding and Managing Flood Risk and Drainage'.

Landscape and Ecology

With regard to Landscape and Ecology matters, Policy CS19 'Green Infrastructure', states "Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- b) Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.

Additionally, 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.

Furthermore, emerging plan policy SP32 'Green Infrastructure and Landscape' is designed to ensure that new development pays due regard to the protection, enhancement, creation and management of green infrastructure in the Borough, including the landscape. Such an approach accords with relevant policies and guidance in the CS and the NPPF

The proposed development includes landscaping proposals for the boundaries of the Waverley Gate Site together with the structure planting along Highfield Lane as required by the outline planning permission. Accordingly, the application is accompanied by an Arboricultural Impact Assessment and a Landscape Masterplan. The Impact Assessment confirms that the development will require the removal of trees identified on an accompanying plan as G1, G6, T9, T10, T11, T12, G15 which are located primarily along the Poplar Way frontage. Trees in groups G5, G7, G13 and G14 will also require pruning works to facilitate the development and as general good tree management. Again these are located along the Poplar Way frontage.

This report has been assessed by the consultant arboriculturist who has confirmed that the trees to be removed are young, with diameters below 200mm, making it reasonable to offset the impact of the removal with mitigation planting. The application also requires the removal of trees at other parts of the site, but these trees are of low value, and their removal will have no impact on the local tree-scape.

The application includes a large amount of new tree planting, and this will more than offset for trees removed. Retained trees will be adequately protected during development if works are done in accordance with the submitted Arboricultural Method Statement.

Accordingly the arboriculturist supports this application, but should it be approved, retained trees should be protected during development in accordance with the Arboricultural Method Statement as is included with the application.

This supports the proposals to open up the Poplar Way frontage towards the Highfield Lane/Poplar Way area to gradually form a more structured avenue style planting adjacent to the proposed pond. This requires the removal and pruning of the aforementioned trees along this frontage. The Council's landscape design team have appraised the proposals and confirm that the proposals include the creation of a landmark artwork and water feature (pond) on the corner of Highfield Lane and Poplar Way as a gateway feature into the new community. The materials and details of such should seek to tie in with the materials and planting palettes used on previous Waverley gateways and entrance features.

The proposals also include structure planting and noise attenuation bund to the site perimeter with adjacent land uses (to be considered under a separate application). The current proposals include for some vegetation removal adjacent to Poplar Way, and some which will be via selective thinning of the existing vegetation. The majority of the existing vegetation is to be retained in place for their protection. Where vegetation is proposed to be felled, there is a requirement to mitigate for this lost through replacement planting. The landscape proposals include for extensive native perimeter buffer planting and for a feature planting to the gateway water feature. In addition, a single avenue of tree planting to one side of the reinstated Highfield Lane is proposed, which is a continuation of the approach in phase 1, albeit it has been switched to the opposite side of the road. All of the aforementioned measures are welcomed; however there are concerns that in some locations highway visibility lines sterilise significant lengths of the verge resulting in tree planting not being possible. In these locations, the introduction of tree planting on the opposite side of Highfield Lane will be secured via the imposition of a suitably worded condition.

In summary, whilst some vegetation is proposed to be removed in order to accommodate the development this loss is more than mitigation for by the new planting proposed. With the exception of the tree planting and sightlines issue, the planting proposals are considered to be acceptable and able to provide for a range of planting types, capable of enhancing the character of the area. Accordingly the structure planting indicated on the landscape masterplan and the level of mitigation is considered acceptable and in accordance with the provisions of policies CS19, 21 and SP35.

Turning to ecology, the application is accompanied by an Extended Phase 1 Habitat Survey. This report confirms that there are no sites of international conservation within 5km of the site. There is one Local Nature Reserve, Catcliffe Flash within 150m, however this is across the River Rother. No negative impact is expected on the statutory sites of nature conservation interest as a result of the development. There are 9 Local Wildlife sites within 2km of the site boundary. No negative impact is expected on these sites. Potential priority habitats within the site area include hedgerows and there is some potential for protected/priority species to be present which include bats, breeding/nesting birds, amphibians, reptiles and brown hare.

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 the protections of nesting birds and sensitive lighting solutions will ensure that there is no adverse impact on biodiversity as a direct result of the proposed development.

It is therefore considered that in terms of ecological implications the application is acceptable, and the above issues raised can be secured via planning conditions.

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

A proportion of the site is located close to residential premises to the south east and south west of the site, some of which are built and occupied whilst the remaining are under construction. An industrial operator (Foers) and a trade retailer (JTF) are located to the north, off Poplar Way.

Having regard to the above it is considered that there is potential for neighbouring businesses and residential properties to be affected by noise, vibration or dust due to the nature of the proposed development, particularly from the earthmoving works. Nevertheless the new housing development to the south is some distance away and the existing houses in Catcliffe are somewhat further away. Accordingly it is considered that the proposed engineering works can be accommodated on site with some safeguards put in place to minimise the potential for noise and dust pollution which include a restriction on hours of operation and the use of water bowsers or similar equipment.

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 (CMRA) has been submitted in support of the application, 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 assessment at the site indicates that significant soil and groundwater contamination is not anticipated. However, potentially complete contaminant linkages were identified and those with risk estimations of moderate or above are:*

- 1. Direct contact of the potential contamination within the soils to future on-site occupants.*
- 2. Permeation of plastic water supply pipes by contaminants in soil and shallow groundwater.*
- 3. Migration and build-up of ground gas within on-site buildings*

To reduce the uncertainty associated with the conceptual model and to quantify the risk associated with the contaminant linkages above, RSK is currently undertaking intrusive investigation and subsequent quantitative risk assessment. This will determine whether any further assessment and/or remedial works are required and does not preclude options for development.”

Having regard to the CMRA, this has *“identified only limited potential coal mining issues which may require mitigation and consequently necessitate further assessment by intrusive investigation. This includes confirmation of the suitability of the engineered fill material to loading 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 Council’s Environmental Health department and the South Yorkshire Mining Advisory Service who concurs with the findings of the report; however, recommend that a condition be appended to any planning approval requiring that further geo-environmental testing is carried out as recommended in the CMRA.

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 principle of residential development on the site has been established under outline permission RB2017/0743, and the enabling and infrastructure works contained within this permission are required to facilitate the continued development of the site.

The proposed drainage works will ensure that the site can be adequately drained whilst not having a detrimental impact on flood risk on adjacent sites. The reinstatement of Highfield Lane was embedded into the outline planning permission and its accompanying Transport Assessment which provided a robust assessment of the development based on the development of 3,890 dwellings and on that basis its formation is welcomed.

Strategic landscaping is proposed along the boundaries of the site together with the structure planting along Highfield Lane as required by the outline permission. These proposals are considered to be acceptable and will enhance the future development of the site.

Having regard to all of the above, it is 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 4, 8, 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 4, 8, 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 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)

- Waverley Gate Planning Boundary – Dwg No. WG.PL.00.00 Rev P6
- Waverley Gate Proposed Highway – Dwg No. WG.PL.00.01 Rev P7
- Waverley Gate Earthworks Movement Strategy – Dwg No. WG.PL.06.01 Rev P3
- Waverley Gate Earthworks Plan – Dwg No. WG.PL.06.01 Rev P4
- Waverley Gate Proposed Drainage – Dwg No. WG.PL.05.01_Rev P5
- Waverley Gate Proposed Land Drainage – Dwg No. WG.PL.05.02_Rev P3
- Waverley Gate Attenuation Pond and Outfall Section – Dwg No. WG.D103 Rev P2
- Waverley Gate Proposed Pond Catchment Layout – Dwg No. WG.D105 Rev P1
- Waverley Gate Cross Sections Through Pond Area – Dwg No. WG.D405 Rev P1
- River Rother 1 In 100 Year Flood Level Against Existing Topography – Dwg No.D110 Rev P1
- Landscape Proposals – Dwg No. 9017/011/101 Rev B

Reason

To define the permission and for the avoidance of doubt.

TRANSPORTATION

03

Before the development is brought into use the sight lines indicated on Drg No WG.PL.00.01 rev P7 shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained

Reason

To provide and maintain adequate visibility in the interests of road safety.

04

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority

Reason

No details having been submitted they are reserved for approval.

LANDSCAPE & ECOLOGY

05

Prior to commencement of above ground works a detailed landscape scheme for the development shall be submitted to, and approved in writing by, the Local Planning Authority.

The landscape scheme shall be prepared to a minimum scale of 1:200. The landscape scheme shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out. - The positions, design, materials and type of any boundary treatments or gateway features to be erected were relevant.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for ongoing maintenance and a schedule of operations.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in within a timescale agreed, in writing, by the Local Planning Authority

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS21 Landscape, ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'

06

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 Policies CS21 Landscape, ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'

07

The development hereby approved shall be carried out in accordance with the recommendations at paragraphs 6.7 – 6.12 of the Extended Phase 1 Habitat Survey dated 03/05/18 unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

08

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with Figure 3 Tree Protection Plan Ecus Dwg No 10534-ARB-02. 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 Policies CS 21 Landscapes, ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

09

The development hereby approved shall be implemented in accordance with the details within the submitted Arboricultural Method Statement by AWA Consultants dated, May 2018.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', CS21 Landscapes, ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

FLOOD RISK & DRAINAGE

10

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted within the Outline Surface Water Strategy prepared by WYG (Issue 5 dated 20/04/2018) and approved by the Local Planning Authority.

Reason

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

11

Development shall not begin until a 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 of the pond and associated infrastructure 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 26 litres/second);
- 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

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA), 'Waverley new Communities FRA Addendum May 2018' and the Appendices referenced within including drawings and calculations, and the following mitigation measure detailed within the FRA:

1. Limiting the surface water run-off generated by the 50% AEP (1 in 2 year return period) critical storm so that it will not exceed 5L/S/Ha.

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

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

GENERAL AMENITY/GEOTECHNICAL

13

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays. Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

14

Throughout the development all vehicles reversing warning alarm systems shall not exceed the ambient noise level in the working location by more than 5dBA.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

15

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

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

16

At such times during the exportation of the stockpiled material when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning to be impracticable, then movements of soils, overburden and other dust raising materials shall be temporarily curtailed until such time as the site/weather conditions improve such as to permit a resumption of the operations.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

17

On receiving any dust complaints the operator shall provide and install all necessary monitoring equipment to carry out dust incidence measurements in accordance with arrangements and at location(s) to be agreed with the Local Planning Authority. The Local Planning Authority shall have freedom of access to all dust monitoring records and results from the site on request.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

18

The development hereby approved shall be carried out in full accordance with the recommendations contained within paragraphs 5.1 and 5.2 of the Preliminary Risk Assessment and Coal Mining Risk Assessment dated February 2018, prepared by RSK.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

19

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the development has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

20

Following completion of any remedial/ground preparation works a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. Evidence of the concrete specification used and water supply pipes installed will also need to be provided. The site shall not be brought into use until such time as all validation data has been approved by the Local Planning Authority.

Reason

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

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 21 JUNE 2018

Report of the Director of Planning and Regeneration Service

| <u>ITEM NO.</u> | <u>SUBJECT</u> |
|----------------------|---|
| 1 Page No. 143 | Ref: RB2017/1439 Courtesy Consultation in respect of proposed Phase 1 (full application) Erection of 2 units – 16,615 sq. m of B1c/B2/B8 floorspace and provision of associated access and landscaping; Phase 2 (Outline application) Details of access for upto 61,230 sq. m of B1c/B2/B8 floorspace at former Outokumpu, Sheepcote Lane, Sheffield, S9 2RA for Peel Logistics Property |
| 2 Page No. 146 | Ref: RB2018/0623 Courtesy Consultation in respect of Outline Planning Application with some matters reserved (Approval being sought for Access) for an employment-led development of B1/B2/B8 Uses at Land at Shireoaks Common, Shireoaks, Nottinghamshire for Bassetlaw District Council (18/00413/OUT) |
| 3 Page No. 149 | Harthill Exploratory Well Public Inquiry – appeal decision |

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

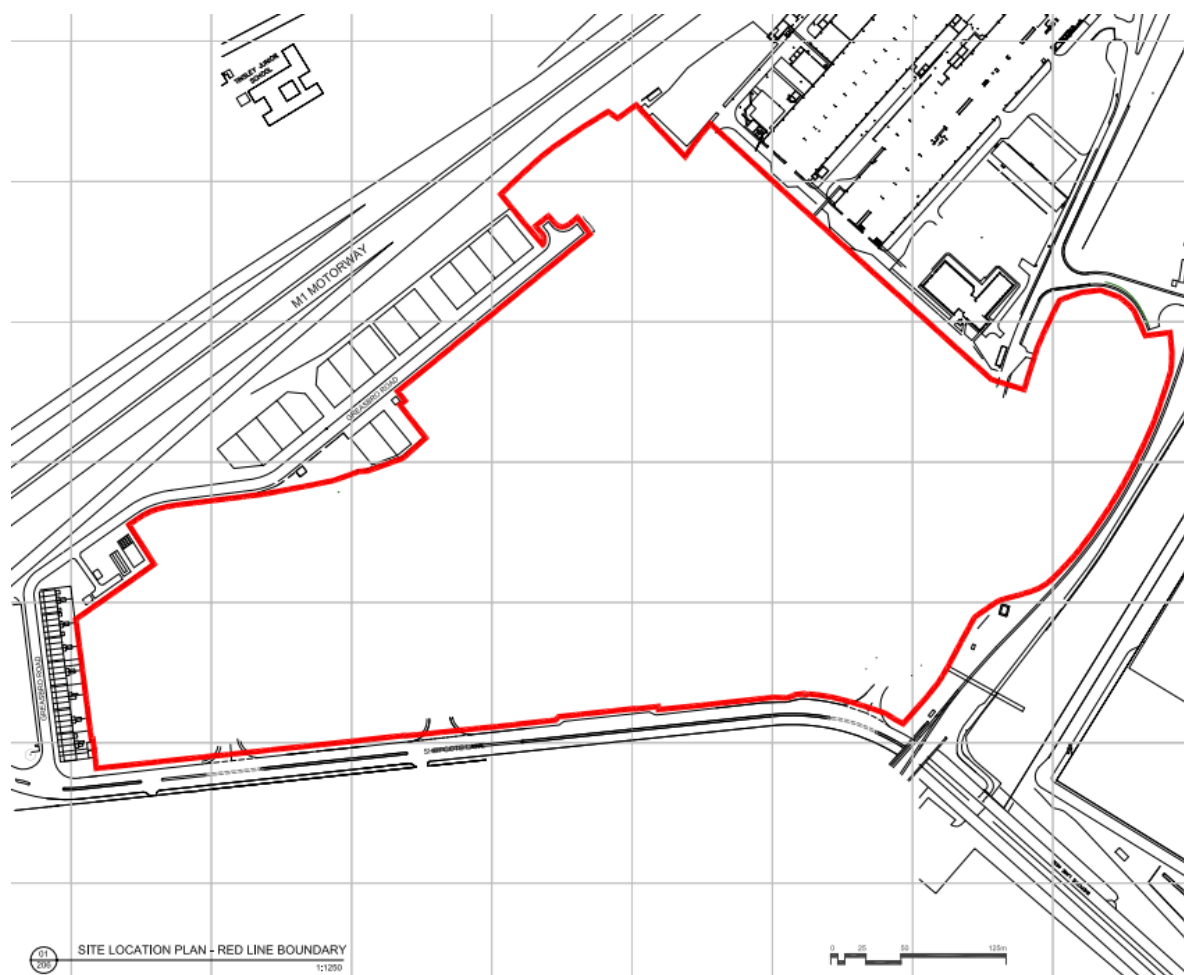
PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
21 JUNE 2018

Item 1

Ref: RB2017/1439

**Courtesy Consultation in respect of proposed Phase 1 (full application)
Erection of 2 units – 16,615 sq. m of B1c/B2/B8 floorspace and provision
of associated access and landscaping; Phase 2 (Outline application)
Details of access for upto 61,230 sq. m of B1c/B2/B8 floorspace at
former Outokumpu, Sheepcote Lane, Sheffield, S9 2RA for Peel
Logistics Property**



Recommendation:

That Sheffield Council be informed that the Council raise no objections to the proposal.

Background

This is a 'courtesy' consultation as required due to the close proximity of Rotherham Borough to the application site. RMBC are invited to provide Sheffield Council with comments on the application and the impact of the proposal on Rotherham in terms of such planning related issues as the environment, flooding, traffic etc.

Site Description & Location

The site comprises approximately 20.5ha of brownfield land, located immediately south-west of Junction 34 of the M1 northbound, 8 miles from Sheffield City Centre. The site fronts Sheepcote Lane with railings and old factory walls enclosing the site along this boundary. Greasbrough Road bounds the site to the north and north east, and to the south and east are other industrial units / warehouse.

The site was formerly used by British Steel and most recently Outokumpu, whose facility closed in 2005. The site was cleared in 2011 and has remained vacant since..

The boundary of RMBC's administrative area is approximately 1km to the east of the site, and the nearest residential dwellings on Bawtry Road, Brinsworth are a similar distance to the east.

Proposal

The application submitted to Sheffield has been described as a hybrid application seeking both full and part outline (with access) permission for up to 77, 845sq. m of B1 (c), B2 and B8 uses.

The full application seeks permission for units 1 and 2. Unit 1 comprises of 4,174sq.m and will be split between B2/B8 floorspace (3,756sq.m) and B1c) ancillary office floorspace (417sq.m). This unit will be 12m to eaves and 14.3m to ridge. Unit 2 comprises of 12,441sq. m and will be split the between B2/B8 (11,366sq. m) and B1c) ancillary office (1,075sq. m) The building will be 13.8m to eaves and 15.5m to ridge.

Units 1 and 2 the northern part of the site, with the buildings running east – west.

The outline element of the proposal comprises the larger part of the whole site (14ha). The indicative masterplan shows three buildings of varying sizes for B1c), B2 and B8 use and will be served by a new access on Sheepcote Lane.

Both the full and outline elements would also incorporate hard and soft landscaping.

Consultations

RMBC - Transportation and Highways Design: Have no objections.

RMBC – Air Quality: No objections.

RMBC – Environmental Health: Have no issues.

Appraisal

The main issues with the proposal affecting Rotherham would include the impact on traffic levels within the Borough and the impact on the general environment of the Borough's residents in respect of noise, air quality and transportation.

It is noted that the site is within an industrial area in terms of Sheffield's development plan and there are no issues in terms of the principle of the development.

The nearest residential properties in Rotherham are approximately 1km to the east of the site on Bawtry Road next to and on the opposite side of the road to the former Aurora Sports Club. Between the site and the nearest residential properties in Rotherham is the M1 motorway, industrial and commercial sites and buildings and sports pitches. It is considered that due to the location and its proposed use, noise from the development would not be an issue to residents in Rotherham. In addition, the built form of the proposal is also unlikely to give rise to any issues, when viewed from land and property within Rotherham as any views will be seen against the backdrop of other industrial and commercial sites and buildings in the Tinsley area of Sheffield.

In terms of impact on the Borough's highway network it is considered that the proposal would have no material adverse impact on the highway network in the Borough.

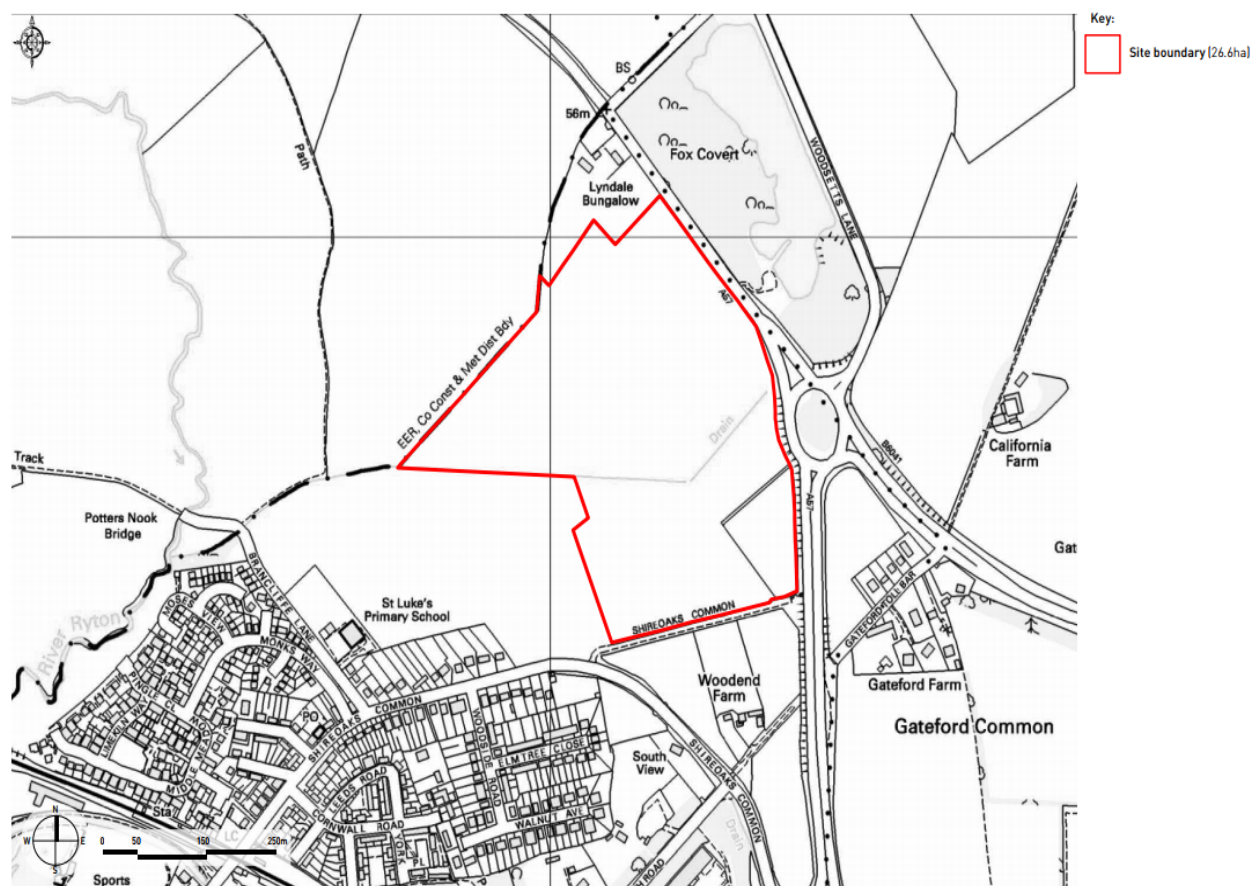
In terms of the impact on Air Quality the additional information provided by the applicant to Sheffield City Council indicates that the proposal will not have a significant impact in terms of its impact on air quality (in particular nitrogen dioxide annual mean) in Rotherham Metropolitan Borough Council's Air Quality Management Area. Accordingly, the additional air quality information is acceptable and the proposal would not adversely impact on the residents of Rotherham in respect of air quality.

Conclusion

Having regard to the above it is concluded that there will be no adverse impact from the development on Rotherham and as such it is considered that RMBC should raise notify Sheffield City Council that it raises no objections to the application.

Item 2**Ref: RB2018/0623**

Courtesy Consultation in respect of Outline Planning Application with some matters reserved (Approval being sought for Access) for an employment-led development of B1/B2/B8 Uses at Land at Shireoaks Common, Shireoaks, Nottinghamshire for Bassetlaw District Council (18/00413/OUT)

**Recommendation:**

That Bassetlaw District Council be informed that the Council raise no objections to the proposal subject to the provision of a 10-15m landscaped planting buffer and no build zone on the Rotherham Green Belt boundary to the site.

Background

This is a 'courtesy' consultation as required due to the close proximity of Rotherham Borough to the application site. Rotherham Council are invited to provide Bassetlaw District Council with comments on the application and the

impact of the proposal on Rotherham in terms of such planning related issues as the environment, flooding, traffic etc.

Site Description & Location

The application site is approximately 11 hectares in area and forms part of a wider site extending to 17.9 hectares that has outline planning permission in place for a mixed residential and commercial development.

The site lies to the west of the A57/Gateford Road roundabout in Bassetlaw's District and part of the northern boundary of the site abuts the boundary with the Rotherham Borough.

The site itself is in agricultural use, comprised of intensively managed arable fields.

The site abuts an open field in Rotherham's Borough with the nearest residential properties in the Borough being located at a considerable distance of approximately 700 metres away from the site.

Proposal

The application submitted to Bassetlaw District Council is seeking planning permission for the following mix of uses:

- Public House/restaurant (approx. 1.3 acres) (Use Class A3/A4);
- Petrol Filling Station and ancillary convenience store (sui-generis) and Drive Thru restaurant/café (Use Class A3) (approx. 2.3 acres);
- Offices (approx. 1.8 acres) (Use Class B1a);
- Light Industrial units (approx. 2 acres) (Use Class B1(c));
- General Industrial units (approx. 3.66 acres) (Use Class B2);
- Storage and Distribution Units (approx. 13.4 acres) (Use Class B8)

Access to the site would be from a new access on to the Gateford Road roundabout.

Consultations

RMBC - Transportation and Highways Design: Have no objections to the proposed scheme from a highway perspective.

RMBC - Landscape Design: No objections subject to a recommendation that a 10-15 metre landscape buffer is provided adjacent to the Rotherham Green Belt boundary.

Appraisal

The main issues with the proposal affecting Rotherham would include the impact on traffic levels within the Borough and the landscape impact on the Borough.

In terms of impact on the Borough's highway network the Council's Transportation and Highways Design team notes that they previously gave advice on the likely impact of residential development in the Bassetlaw area on traffic conditions along the A57, at the Anston Crossroads in particular. Whilst this proposal for employment uses will inevitably increase traffic through the junction, the number of trips is likely to be less than 100 in the peak hours which could not be argued to be sufficient to produce a noticeable effect on junction operation.

A number of the trips would already be on the network, for example when visiting the petrol filling station and pub / restaurant, or not likely to generate peak hour traffic. Furthermore, it could be argued that a large employment site may abstract existing trips that are heading towards Sheffield on the A57.

In addition, the peak flows would be in the opposite direction to existing peak flows at the crossroads. The B8 trips generated by the development are likely to distribute more widely as the site has access to main roads in several directions and it is unlikely that all HGV traffic would head to the M1 via the A57. In this respect, the development is considered unlikely to result in a material adverse impact on roads in the Rotherham area and no objections are raised to the proposals from a highway perspective.

From a landscape impact the Council's Landscape Design team notes that the Rotherham borough boundary and Green Belt lie directly adjacent to the north west of the application site boundary. This part of the Borough falls within Ryton Farmlands Landscape Character Area which was assessed in the 2010 RMBC Landscape Character Assessment as of moderate landscape sensitivity. It is noted that the development line is set back from the boundary by a landscape buffer, generally in order to ensure that any impact from development on the Rotherham Green Belt beyond is minimised. It is recommended that a 10-15m landscaped buffer and no build zone be respected along the Green Belt boundary and noted that this would appear that this is already accommodated as part of the development proposals. However, it is considered reasonable to request this as a condition on any planning permission.

Conclusion

Having regard to the above it is concluded that the impact of the development on Rotherham will be minimal, as such it is considered that RMBC should raise no objections to the proposal subject to a recommendation that a 10-15m landscape buffer and no build zone be respected along the Green Belt boundary of the Rotherham Borough.

Item 3

Harthill Exploratory Well Public Inquiry – appeal decision

Proposed development:

Construction of a well site and the creation of a new access track, mobilisation of drilling, ancillary equipment and contractor welfare facilities to drill and pressure transient test a vertical hydrocarbon exploratory core well and mobilisation of a workover rig, listening well operations, and retention of the site and wellhead assembly gear for a temporary period of 5 years at Land Adjacent to Common Road, Harthill, Rotherham.



Recommendation

That Members note the decision to ALLOW the appeal, in accordance with the terms of the application Ref RB2017/0805, dated 30 May 2017, and subject to the conditions listed at the end of the decision.

A copy of the decision is attached.

Background

The applicant appealed against non-determination in December 2017 and a report to Planning Board in January 2018 set out the Council's objections to the proposals, on ecology and highway safety grounds. The Public Inquiry took place in April/May 2018. Prior to the commencement of the Inquiry the applicant submitted further information to address the highways objection to the scheme, including the provision of temporary traffic stop and go boards, which were accepted at officer level though rejected by Planning Board.

During the course of the Inquiry the Council withdrew its opposition to the proposals on ecological grounds (and at the same time agreed with the appellant that no applications for costs would be submitted by either party).

Since the closure of the Inquiry, on 17 May 2018 the Secretary of State for Business, Energy and Industrial Strategy has made a Written Statement to Parliament on Energy Policy, which strongly supports the exploration and development of onshore shale gas resources, and the Inspector has taken this in to account as a material consideration.

Inspector's Decision

The Inspector considered that the main issues in this case were:

- i) whether the proposal would represent inappropriate development in the Green Belt having regard to the NPPF; and
- ii) the effect of the proposal on the existing uses of the highways in the surrounding area.

Green Belt:

On the first point he concluded: "The proposed development would be associated with mineral extraction, which in itself is not inappropriate development in the Green Belt. The development would include plant, site buildings and minor topsoil storage and environmental bunding which would be in place for up to five years. The site would be returned to its existing condition following this period. In view of the extent and temporary nature of the development, which would not be unusually longer than other construction or mineral extraction operations, the development would preserve the openness and the purposes of including land in the Green Belt. It would therefore not represent inappropriate development and would not be harmful to the Green Belt under paragraph 90 of the NPPF."

Highways:

The Inspector notes that: "On Packman Lane, the indicated 221 vehicle movements/day would be on average one every five minutes in one direction. In terms of conflict with site access traffic an HGV or convoy would take approximately three minutes to travel along the lane, and this would take place at some 100 to 400 minute intervals in one direction. An abnormal load would take some 12 minutes to

travel along the lane. I therefore consider that paths would cross frequently, but only up to 5% of existing vehicles would be likely to meet single HGVs or convoys. This would be potentially once in each HGV or convoy trip or twice with an abnormal load.

I therefore consider that paths would cross frequently, but only up to 4% of existing vehicles would be likely to meet single HGVs or convoys. This would be potentially twice in each HGV or convoy trip or nine times with an abnormal load. In view of the low level of paths crossing on the route as a whole, I do not consider that traffic regulation would be problematic."

In terms of the provision of temporary traffic stop and go boards, the Inspector concluded: "The travel time of HGVs, convoys and indeed abnormal loads through these sections would however be limited, as can be seen from the times to travel the sections along each lane. This, and the low frequency of movements, would result in the numbers of vehicles held being limited, and I thus do not consider that traffic regulation would be problematic."

In terms of the proposed provision of passing bays, the Inspector states: "The provision of passing places, which would be inter-visible apart from those areas covered by the traffic stop and go boards at some times, would improve this situation a great deal, including during any breakdown of existing or proposed traffic. Whilst this improvement would not outweigh the adverse impact that would result from

the additional use of the lanes, it would materially offset this impact. Moreover, if the Council decided to retain the passing places after the completion of the development, then this would represent a benefit into the future."

The Inspector concluded that whilst there would be some inconveniences to pedestrian users together with some loss of amenity, this would not however be unacceptable in terms of highway safety and amenity, and that there would not be significant impact on either horse riders or cyclists..

The Inspector refers to the proposed Traffic Management Plan, that would be subject to a condition of the permission, and how this would resolve many of the issues raised by objectors. He adds that he anticipates that the formation

of a community liaison group, to be approved by the Council, would include lines of communication between local residents and the appellant and the Council. He concludes that the proposal would not necessarily have an unacceptable impact on the existing uses of the highways in the surrounding area and that it thus would not conflict with the NPPF.

The decision notice then looks at all other material considerations, including the following.

Hydraulic fracturing:

The Inspector concludes that no 'hydraulic fracturing' would take place as a result of this permission, that there is no apparent linkage between the development proposed and potential seismic effects, and that there would be no materially adverse geological effect.

The Inspector notes that the Government expects Mineral Planning Authorities to give great weight to the benefits of mineral extraction, and this includes shale gas exploration. The national importance of the development proposed is therefore a matter to which I attach great weight and it represents a benefit against which any harm from the development should be balanced.

Ecology:

The Inspector agrees with the appellant's findings that there would be limited temporary disturbance and displacement of breeding birds and that this would not be significant, subject to the imposition of a pre-commencement protected species survey condition. He was also satisfied that the development would not be reasonably expected to have an adverse effect on the conservation status of bats, and that additional traffic noise would not have a significant effect on hedgerow ecology.

Character and appearance:

The Inspector notes that views of the upper sections of rigs used on the site would be available over the woodlands and therefore present over a wider area. They would however comprise a single structure, in place for a period of some 25 weeks, and be seen in many views alongside the nearby wind turbines. He adds that site lighting would not be at a level sufficient to cause unacceptable nuisance. He does conclude that the development would detract from, and be harmful to, the landscape and visual character of the surrounding but that this harm or conflict would not however be sufficient reason to dismiss the appeal when balanced against the benefits of the development in terms of potential future energy supplies.

Living conditions:

The Inspector concludes that the development would not have a significant impact on local residents in terms of noise nuisance, vibration impact, air quality impact, or dust emissions.

Historic environment:

The Inspector concludes that the development would not have a harmful effect

on the significance of any heritage assets and would preserve their settings and the character and appearance of any nearby Conservation Areas in terms of their settings.

Aquifers:

The Inspector concludes that the development would have no adverse effect on water quality within the identified aquifers.

Human Rights:

The Inspector concludes that the proposed development would not cause unacceptable harm to living conditions and as such Human Rights would not be interfered with

Agricultural land:

The Inspector concludes that the loss of Grade 2 agricultural land for the period of the development does not weigh against the appeal.

Climate change:

The Inspector consider that the development itself would have minimal greenhouse gas emissions in terms of climate change.

Cumulative impact:

He notes that the Woodsetts and Marsh Lane, Eckington sites for similar developments are separated from the appeal site by some 5 and 11km and is satisfied that the effects identified from the development would not extend sufficiently towards these other sites in order for there to be a cumulative effect.

Conclusion

The Inspector concludes that the development could have a negative, but not significant, impact on features of biodiversity value for the period of the development and that the development would detract from, and be harmful to, the landscape and visual character of the surrounding area. These matters would not however outweigh the benefits from the investigation proposed in terms of future energy supplies, to which he gives great weight.

Having taken into account all other matters raised, including cumulative effects, the Inspector concludes that none carry sufficient weight to alter the decision subject to relevant conditions.

Conditions

The decision notice includes 30 conditions, some of which are 'pre-commencement' conditions that have to be addressed before the development takes place.



Appeal Decision

Inquiry Held on 24 to 27 April and 1 to 3 May 2018

Site visit made on 26 April 2018

by Stephen Roscoe BEng MSc CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th June 2018

Appeal Ref: APP/P4415/W/17/3190843

Land Adjacent to Common Road, Harthill, Rotherham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by UNEOS Upstream Limited against Rotherham Metropolitan Borough Council.
 - The application, Ref RB2017/0805, is dated 30 May 2017.
 - The development proposed is the construction of a well site and the creation of a new access track, mobilisation of drilling, ancillary equipment and contractor welfare facilities to drill and pressure transient test a vertical hydrocarbon exploratory core well and mobilisation of a workover rig, listening well operations, and retention of the site and wellhead assembly gear for a temporary period of 5 years.
-

Procedural Matters

1. Had the Council been in a position to determine the application prior to the opening of the Inquiry, it would have refused it for the following reasons:
 - i) *The Council considers that vehicular access to/egress from the site is intended to be via country lanes which are considered to be unsuitable to cater for the significant increase in commercial vehicular traffic to be generated by the proposal in terms of their limited width, restricted visibility, adverse alignment and lack of separate pedestrian facilities. The development, if implemented, would therefore increase the risk of vehicular conflict with vulnerable road users and other vehicles to the detriment of road safety, contrary to the National Planning Policy Framework (NPPF) which expects developments to include safe and suitable access for all people.*
 - ii) *The Council also considers that the supporting ecological information is deficient with no breeding bird survey details submitted, insufficient bat survey details, and a substandard Phase 1 Habitat Survey carried out in January. Accordingly the applicant has not sufficiently demonstrated that the development can satisfactorily mitigate the potential for harm to the ecology of the surrounding rural environment, contrary to paragraph 118 of the NPPF which indicates that, if significant harm resulting from a development cannot be avoided, then planning permission should be refused.*

2. Following the presentation of the Council's case at the Inquiry, the Council withdrew its objection to the proposal on ecological grounds and the corresponding putative reason for refusal.
3. Shortly before the deadline for the submission of proofs of evidence, the appellant provided a report, to the Council, myself and objectors identified at the Pre-Inquiry Meeting, titled 'AECOM review of Traffic and Transport Matters' [Document IUL1]. It included an Enhanced Traffic Management Plan (ETMP) and had been prepared by Mr Martin, the appellant's traffic witness. The report amounts to some 140 pages and is of a technical nature.
4. The report primarily put forward revisions to the traffic management arrangements proposed and submitted with the planning application and the ETMP. As agreed in the Statement of Common Ground, the ETMP could be subject to Council approval under a condition prior to any development taking place. The revisions included the relocation of the site access route further from the village of Harthill and, to remove the need for a one-way system on local roads, an increase in the number of highway passing places to be provided from 6 to 23. The revisions also included the introduction of two temporary traffic stop and go board controlled sections along the route. These revisions followed discussions between the appellant and Council officers and Mr Martin's proof of evidence is based on the AECOM report.
5. The Council initially objected to the late submission of this report [Document G4]. This was on the basis that the revisions were significant and the Council and interested parties should have sufficient time to consider them and that they represented a revision to the proposal itself as well as to the mitigation measures. In view of the size and technical basis of the report and the nature of the Council's objection, I did not decide whether or not to accept the report, but advised that I would consider the matter after opening the Inquiry, when I could hear evidence as to the extent of, and background to, the revisions as well as giving parties the opportunity to request adjournments and make other applications to me. The Council's proofs were submitted on the basis of the appellant's position prior to the submission of the AECOM report.
6. Prior to the opening of the Inquiry, the Council's relevant officers did in fact consider the AECOM report and recommended to the Council's Planning Board that the Council's putative reason for refusal relating to traffic matters should be withdrawn [Document RC1]. The Council's Planning Board did not however accept this recommendation [Document RC2].
7. The Council's position at the Inquiry on traffic matters was as follows. Whilst it accepts the advice of its officers on the suitability of the traffic measures proposed in themselves, the AECOM report does not satisfy the Council's concerns in relation to highway safety as a whole. Furthermore, the Council stated during the Inquiry that it does not consider that the AECOM report amends the scheme as proposed or that the principles of Wheatcroft would be 'in play' by my accepting the report, although it does have concerns in respect of public consultation.
8. Interested party concerns were put to me, both before and following the opening of the Inquiry, that individuals would be disadvantaged and prejudiced if the report was accepted. An interested party request for an adjournment of four weeks was also made, although the Council did not support this.

Notwithstanding the changed position of the Council in respect of the AECOM report, I agreed to hear representations from interested parties and submissions from the Council and the appellant, prior to giving a ruling on whether the AECOM report should be accepted at the start of the Inquiry. I then gave my ruling as follows.

- i) *I am conscious that interested parties are concerned about the lack of consultation in respect of the AECOM report. I can understand the concerns of interested parties when confronted with a document of the size and nature as has been described. Indeed, this was also the Council's initial position. The Council's final position however is that there is no change to the scheme, that the report does not represent scheme evolution, as has been claimed, and that there is no prejudice under the Wheatcroft principles as a result. I give great weight to the Council's position, as it is based on professional advice from within its own organisation, which has a responsibility to represent its locality in terms of its function as Highway Authority.*
 - ii) *A purpose of the AECOM report is to show a potential Enhanced Traffic Management Plan (ETMP) which could be subject to approval by the Council under an appropriate condition. There are significant differences between the Traffic Management Plan (TMP) put forward with the application and the ETMP within the AECOM report. These do not however change the proposal or materially alter the nature of the application, they offer an amended option to potentially satisfy a condition, the content of which has been agreed between the two main parties. Moreover, the operative text in the AECOM report amounts to some 9 pages out of the 140 in total.*
 - iii) *I am however conscious, as is the Council, of the position of interested parties having not had the benefit of technical expertise to interpret some of the aspects of the report. It would therefore be useful, as suggested, for the appellant to explain the latest draft ETMP and answer factual questions on it, and for representations from interested parties to then be given next week, when interested parties have had the opportunity to consider the explanation that they have been given. I therefore rule that the AECOM report should be accepted in evidence without any adjournment.*
9. I also consider that the appellant chose a poor mechanism by which to put forward the ETMP, notwithstanding that it was said to be done for the sake of completeness and to be helpful. Indeed, the limited number of operative pages within the report could, in my view, have been easily included in an appendix to a proof of evidence, which would have been exchanged and made available for public inspection.
10. It is also of note that my accompanied site visit included walking the entire proposed site access route within the Council's area, with representatives of the Council and the appellant together with those interested parties who wished to attend. Moreover, this took place in advance of statements being made to the Inquiry by interested parties and the opportunity for interested parties to question the appellant's witnesses. I am therefore satisfied that, in addition to the matters raised in my ruling, interested parties had a

sufficient, and indeed good, opportunity to understand the ETMP prior to presenting their statements to the Inquiry.

11. The Secretary of State for Business, Energy and Industrial Strategy made a Written Statement to Parliament on Energy Policy, which refers to the exploration and development of our onshore shale gas resources, on 17 May 2018. In view of its relevance to this appeal, the main parties were invited to make comments on the Statement, and the Statement and these comments have been taken into account in this decision.
12. Following the closure of the Inquiry, I was made aware that, due to an apparent error on the Council's part, Bondhay Golf Club and Monition Ltd had not been notified in respect of the appeal. They were therefore invited to make a written statement in relation to the appeal, and the main parties were invited to comment on this statement. Both the statement and the comments received have been taken into account in this decision.

Decision

13. The appeal is allowed and planning permission granted for the construction of a well site and the creation of a new access track, mobilisation of drilling, ancillary equipment and contractor welfare facilities to drill and pressure transient test a vertical hydrocarbon exploratory core well and mobilisation of a workover rig, listening well operations, and retention of the site and wellhead assembly gear for a temporary period of 5 years at Land Adjacent to Common Road, Harthill, Rotherham in accordance with the terms of the application Ref RB2017/0805, dated 30 May 2017, and subject to the conditions listed at the end of this decision.

Reasons

14. I consider the main issues in this case to be:
 - i) whether the proposal would represent inappropriate development in the Green Belt having regard to the NPPF; and
 - ii) the effect of the proposal on the existing uses of the highways in the surrounding area.

Green Belt

15. The appeal site lies within the South Yorkshire Green Belt. The proposed development would be associated with mineral extraction, which in itself is not inappropriate development in the Green Belt. The development would include plant, site buildings and minor topsoil storage and environmental bunding which would be in place for up to five years. The site would be returned to its existing condition following this period. In view of the extent and temporary nature of the development, which would not be unusually longer than other construction or mineral extraction operations, the development would preserve the openness and the purposes of including land in the Green Belt. It would therefore not represent inappropriate development and would not be harmful to the Green Belt under paragraph 90 of the NPPF. It would also satisfy national guidance in accordance with the element of the Council's emerging Sites and Policies Document¹ (DPD) Policy SP2 in relation to mineral workings

¹ Rotherham Local Plan: Proposed Main Modifications to the Publication Sites and Policies Document: January 2018

to which I give great weight. This is due to the generic nature of this element of the policy and its progress towards adoption. In this regard, the emerging DPD has been found sound following an examination in public, subject to a number of modifications, and is anticipated to be adopted in July 2018.

Highways

16. The proposed public highway access route for the development includes the A619, which gives a good standard of access to the M1 motorway. From the A619 to the site, the route follows just over 2km of Bondhay Lane. The lane is single track in places and gives access to residential properties at its junction with the A619 and to the south of Packman Lane. The lane also gives access to the Bondhay Golf Club Complex and Monition Ltd and to a farmstead. The southern section of the lane is relatively straight in terms of its horizontal and vertical alignments. The northern section is however quite tortuous in its alignments and narrow in width.
17. The access route then proceeds onto some 1.5km of the single track Packman Lane. The southern section of the lane has a poor alignment and limited width, including the section between residential properties and farm complexes at Loscar and Honeysykes Farms. Its northern section has straighter alignments, although some crests in the lane have restricted forward visibility. The route then turns onto the single track Common Road, which has relatively straight alignments along the length to be used of some 0.5km. It does not serve any residential properties but does serve an animal rescue centre.
18. The appellant has prepared forecasts for traffic associated with the development. The forecasts were prepared by a consultant employed by the appellant and then reviewed by a further consultant, also employed by the appellant. There is a difference in opinion between the consultants on whether maximum or average traffic flows should be used in assessing impact, and I have therefore considered both in this decision. Traffic generation figures for the proposal were uncontested, and I can see no reason to doubt that they represent the best estimate at the present time.
19. Traffic flows in connection with the development are split into HGV and non HGV categories. The non-HGV flows are low, even in comparison with the background flows, and I do not consider that they would have any material impact on the local highway network.
20. The stages of the development prior to the maintenance period are forecast to last 46 weeks. The most intensive periods of HGV site access traffic would be during the construction period, of 12 weeks, and during the drilling period, of 20 weeks.
21. During construction, using figures from the appellant's evidence, there would be less than 10 movements/day in either direction, or less than an average of one HGV every 60 minutes over a 10 hour working day. This would be the case for much of the time. On up to 40 days of this construction period, there would be more than 10 movements/day, and for three weeks there would be between 52 and 60 movements/day, which is between 5 and 6 movements/hour, or one HGV every 10 to 12 minutes. Over these three weeks however, I consider that it would be likely that HGV convoys would be used, which I will consider shortly.

22. During drilling, there would also be less than 10 movements/day in either direction for the majority of the time, except for periods at the beginning and the end of drilling. During these periods, there would be between 20 and 42 movements/day, which is between 2 and 5 movements/hour, or one HGV in 12 to 30 minutes. Over these periods however, I again consider that it would be likely that HGV convoys would be used. Each of these HGV movements between the A619 and the site and vice versa is forecast to take some 8 minutes plus time added for stops or delays.
23. The above figures relate to an HGV travelling alone, but the appellant considers that the vast majority of HGVs would travel in convoys of between 2 and 8 vehicles. The above figures, and particularly the maximum intensity, would therefore be very much a worst case in terms of the frequency of movements. This is because, if 60 movements were to take place in a single day, then convoys would be likely to be used with a far lesser frequency than set out above.
24. It also is of note that the purpose of these figures is not to define the number of HGVs that would be on the route at a particular time. It is however to indicate potential scenarios, in order that impact can be assessed in a reasoned manner. The total number of forecast HGV movements would not change over the duration of the development, as there is generally only a set level of work to be carried out on the site. This means that a day carried out at this maximum intensity could result in a day without any HGV movements at another time.
25. I now turn to consider convoys. The ETMP limits these to 8 HGVs and the appellant suggests that the average number of HGVs in a convoy would be five. Over the intensive traffic period of three weeks during construction, the maximum number of forecast 8-HGV convoy movements, in either direction, is between 7 and 8 movements/day. Over a 10 hour working day, these represent one convoy movement every 75 to 85 minutes. The maximum number of forecast 5-HGV convoy movements, in either direction, is between 11 and 12 movements/day. Over a 10 hour working day, these represent one movement in 50 to 65 minutes.
26. Over the intensive traffic periods during drilling, the maximum number of forecast 8-HGV convoy movements, in either direction, is between 3 and 6 movements/day. Over a 10 hour working day, these represent one movement every 100 to 200 minutes. The maximum number of forecast 5-HGV convoy movements, in either direction, is between 4 and 9 movements/day. Over a 10 hour working day, these represent one movement every 70 to 150 minutes.
27. The development would also require the use of the access route by abnormal loads. These would primarily access the site over the construction, drilling and decommissioning phases. Over the construction phase of 12 weeks, there is forecast to be 42 abnormal load movements in either direction. These would be spread over a period of 10 days within this phase, with a maximum of 8 movements in a single day. This maximum would represent one movement every 75 minutes.
28. Over the drilling phase of 20 weeks, there is forecast to be 44 abnormal load movements in either direction. These would be spread over a period of 18 days within this phase, with a maximum of 6 movements in a single day. This maximum would represent one movement every 100 minutes. During the

decommissioning phase of 6 weeks, abnormal load movements would be slightly less than the forecast for the construction phase. Each of these movements between the A619 and the site and vice versa is forecast to take 33 minutes plus time added for stops or delays.

29. In summary therefore, when single HGVs would be likely to be used, their average frequency would be likely to be one movement every 60 minutes. With 5-HGV convoys, movements would be likely to take place every 50 to 150 minutes over a period of some 3 weeks during construction, at the beginning and end of drilling and probably at some stage during decommissioning. If 8-HGV convoys were used, movements would be likely to take place every 75 to 200 minutes over these periods. In terms of abnormal load movements, these are forecast to take place over a period of 28 days plus decommissioning at a maximum of one every 75 to 100 minutes. I would however repeat that these are averages and forecast maximums and, in practice, some days would be more and some less.
30. The Council's position on highway matters has been made notwithstanding its officers' final positive recommendation in respect of the application. The recommendation concluded that the additional passing places would significantly reduce the risk of conflict with vehicles and other road users. It also concluded that the two temporary traffic stop and go board sections on Packman Lane and Bondhay Lane would be acceptable in principle.
31. The Council's position is however that the latest information from the appellant does not overcome its concerns in relation to highway safety. Specific concerns include: hedgerow damage; traffic enforcement; forward visibility; cyclists and horse riders; traffic backing up between passing places; and vehicle breakdown.
32. Considering firstly other vehicles, the appellant has undertaken existing traffic surveys. These indicate 40 vehicle movements/day on Common Road, which equates on average to one every 15 minutes in either direction, or one every 30 minutes in one direction. In terms of conflict with site access traffic, an HGV or convoy would take approximately one minute to travel along Common Road. This would take place at some 100 to 400 minute (1.7 to 6.7 hr) intervals in one direction, assuming that convoys are used during the more intensive traffic periods. An abnormal load would take approximately 4 minutes to travel along Common Road. I therefore consider that paths would cross infrequently. This would also be the case, even if single HGVs were used to access the site throughout the development.
33. On Packman Lane, the indicated 221 vehicle movements/day would be on average one every five minutes in one direction. In terms of conflict with site access traffic an HGV or convoy would take approximately three minutes to travel along the lane, and this would take place at some 100 to 400 minute intervals in one direction. An abnormal load would take some 12 minutes to travel along the lane. I therefore consider that paths would cross frequently, but only up to 5% of existing vehicles would be likely to meet single HGVs or convoys. This would be potentially once in each HGV or convoy trip or twice with an abnormal load.
34. On Bondhay Lane, the indicated 512 vehicle movements/day would be on average one every two minutes in one direction. In terms of conflict with site access traffic, an HGV or convoy would take approximately four minutes to

travel along the lane, and this would take place at some 100 to 400 minute intervals in one direction. An abnormal load would take some 17 minutes to travel along the lane. I therefore consider that paths would cross frequently, but only up to 4% of existing vehicles would be likely to meet single HGVs or convoys. This would be potentially twice in each HGV or convoy trip or nine times with an abnormal load. In view of the low level of paths crossing on the route as a whole, I do not consider that traffic regulation would be problematic.

35. The ETMP includes two sections where temporary traffic stop and go boards would be used. Banksmen in a front escort vehicle would hold approaching traffic in these sections of Packman Lane and Bondhay Lane until the HGV, convoy or abnormal load had passed through the section. These two sections are where alignments are tortuous and land widths narrow, thus preventing forward visibility. The travel time of HGVs, convoys and indeed abnormal loads through these sections would however be limited, as can be seen from the times to travel the sections along each lane. This, and the low frequency of movements, would result in the numbers of vehicles held being limited, and I thus do not consider that traffic regulation would be problematic. Moreover, the section of Bondhay Lane which would be subject to this control would lie beyond the length of the lane which is used by traffic accessing the Bondhay Golf Club Complex and Monition Ltd from the A619. It would therefore be subject to a lower level of traffic flow than the lane as a whole.
36. There is some criticism of the timing of the traffic counts, which were undertaken when some of the schools in the locality were within a holiday period. Traffic levels on Common Road and Packman Lane are however low, and I have taken into account that they could be subject to some variation in coming to my decision. In considering both average and maximum traffic flows, I have also taken into account views expressed in the Inquiry on the period over which averages should be undertaken.
37. HGVs, convoys and abnormal loads would travel at lower speeds than is usual for the access route. In view of the level of existing traffic flows on the lanes however, the numbers of vehicles delayed behind those accessing the site would be minimal.
38. It is not unusual to have to reverse back to an existing passing place when currently driving along the lanes, and indeed I had to reverse a number of times when on my unaccompanied site visits. The provision of passing places, which would be inter-visible apart from those areas covered by the traffic stop and go boards at some times, would improve this situation a great deal, including during any breakdown of existing or proposed traffic. Whilst this improvement would not outweigh the adverse impact that would result from the additional use of the lanes, it would materially offset this impact. Moreover, if the Council decided to retain the passing places after the completion of the development, then this would represent a benefit into the future.
39. In view of the level of existing and proposed traffic flows on the lanes, I am satisfied that the circumstances encountered by general agricultural vehicles would be similar to those for other traffic. There are however situations where the agricultural use of the lanes for specific operations would be more intensive and urgent than the general case. Such operations could require changes to

the traffic management regime in terms of the priority given to certain types of vehicles over certain sections of the lanes.

40. These matters have been raised during the Inquiry and on the detailed route inspection with interested parties, and I am of the opinion that the Council is more aware of these matters than it may have been previously. It would be for the Council to ensure that these matters are addressed in any final approved TMP. I have previously identified the Council's position in terms of representing local people and protecting their interests. There has been criticism of the Council's previous performance in this regard during the Inquiry. It is now for the Council to ensure that detailed matters, such as agricultural access, are fully taken into account when the final TMP is approved.
41. Bondhay Lane has previously been used as a site access for a windfarm development adjacent to Packman Lane. Packman Lane was considered to be unsuitable as an access for the windfarm development, which used an off-highway access instead. It has been suggested that this adds weight in support of dismissing the appeal. There is no evidence before me however to suggest that a traffic management plan or additional laybys were proposed as a part of the windfarm scheme. I therefore consider that the windfarm access does not add any weight in support of dismissing the appeal.
42. Concerns have been expressed about the enforceability of the TMP. This has to be the role of the Council as Local Planning Authority and Highway Authority. In this regard, various planning enforcement and highway regulation procedures may be available to the Council, including for example the serving of a planning enforcement stop notice.
43. A number of the proposed passing bays could be sited at field entrances, although they would remain within the highway. The work to construct any layby would be carried out under the regulation of the Highway Authority, who I am satisfied would be accustomed to accommodating the reasonable requirements of private accesses. I therefore do not consider that any such passing places would be likely to restrict or unreasonably change the suitability of any field access.
44. Bondhay Lane, just to the north of its junction with the A619, includes an informal layby which is used by nearby residents for parking. Indeed, I used it at one of my unaccompanied site visits. The location of the current layby is the location for one of the proposed passing places. The location appears to be within the boundary of the public highway, and the use and future use of this area should thus be under the control of the Highway Authority. Should the authority decide that the informal layby should be retained for the residents, I am satisfied that an alternative location for a passing place associated with the proposed development could be provided a little further along Bondhay Lane.
45. In coming to my opinion, I have taken into account that the traffic management proposals are a potential mechanism for site access. With this in mind, and in view of all of the above points, I do not consider that the proposal would be likely to have an unacceptable adverse effect on the use of these lanes by other vehicles.

46. I now turn to consider pedestrians. From my site visits, the presence of verge side seats, a leaflet on Harthill with Woodall Parish Walks and the proximity of the village of Harthill, it appears to me that pedestrian use of Common Road and the nearest parts of Packman Lane is greater than that along Packman Lane generally. The western section of Common Road which is nearest the village does not form part of the site access route. The eastern section of Common Road, which is part of the site access route, has better forward visibility and more open verges than the western section, as does the nearest section of Packman Lane. Other sections of Packman Lane, further to the south of the Common Road junction, are more enclosed and have crests where forward visibility is restricted.
47. It is therefore the case that the areas of Common Road and Packman Lane to the east of the site and on the site access route are better suited to the presence of pedestrians and site related vehicles than other lanes nearby. It would also be the case that the front escort vehicle of a single HGV, convoy or abnormal load would not have the same purpose as existing vehicles travelling on the lane. The primary duty of the escort vehicle would be to look out for, and advise, pedestrians and others of oncoming vehicles.
48. For pedestrians walking the length of Common Road and then Packman Lane to its junction with Bondhay Lane, as I did with various parties at the accompanied site visit, I would anticipate that a pedestrian, on average, could encounter one or two single HGVs or one convoy during the site access hours of use of these lanes. I anticipate that a pedestrian would be unlikely to encounter an abnormal load. Pedestrians would however encounter a far greater number of vehicles not associated with the proposed development. Furthermore, I am of the opinion that the use of these lanes by pedestrians would show some bias towards weekends and evenings, part of which would be outside of the permitted hours of use by site access traffic.
49. Many representations referred to the loss of hedgerows, and consequential ecological and amenity harm, along the site access route. The acceptability of passing places to the Council's officers was not based on a general approach or on judgement, but on the agreement at each location of on-site measurements relevant to the size of that particular passing place. I therefore take confidence from this that they could be accommodated within the highway and without unacceptable impact on hedgerows. I accept however that there would be some impact on the visual amenity of the route with the imposition of surfaced passing places.
50. In view of all of the above points, I consider that there would be some inconveniences to pedestrian users together with some loss of amenity. This would not however be unacceptable in terms of highway safety and amenity.
51. The lanes are also used by horse riders. Riders have the benefit of higher sight lines and would be able to make use of the additional passing places. These passing places would be 2.4m wide and inter-visible, and I would anticipate that site related vehicles would pass riders at a slower speed than is the case with vehicles currently. Again, the impact on horse riders should be seen in the context of the forecast level of use of the lanes, against the level of existing use and the times of the use of these lanes. I recognise that the

proportion of HGVs would significantly increase, but I do not consider that the impact on horse riders would be unacceptable.

52. My attention has been drawn to the use of the lanes by sport cyclists as well as leisure cycle uses. The lanes are near to, but not part of, the National Cycle Network. The proposed use of the lanes could well make them less attractive to sports cyclists and much inconvenience could result. I am not however satisfied that this is the only location that such an activity could take place, and I doubt that the majority of the sports cyclists are from the immediate area around the lanes. I therefore give less weight to the inconvenience caused than that given to other more locally based users of the lanes. I do however consider that leisure cyclists would benefit from the provision of additional passing places. I thus do not consider that the impact on cyclists would be unacceptable.
53. The appellant has prepared vehicle swept path analyses for articulated HGVs and abnormal load vehicles. The analyses indicate that these vehicles can negotiate the junctions between the A619 and Bondhay Lane and between Packman Lane and Common Road together with the narrower sections of Packman Lane between Loscar Farm and Harthill Field Road and between Loscar and Honeysykes Farms.
54. The use of the junction between Packman Lane and Common Road would require vehicles to track over the grass verges around the junction. The appellant would be required to repair any, and indeed the likely, damage caused on the basis of a dilapidation survey, and the regulation of this could be secured by the use of an appropriate condition. Some manoeuvres would also require the temporary removal of highway signage, but this would need to be carried out with the consent of the Highway Authority.
55. The Council's technical officers have not raised any objection to the analyses and have had the opportunity to assess the situation by means of video modelling techniques. The Council's remaining objections to the proposal however include the accuracy of the modelling, but no reasoned evidence has been put forward in support of this position. In view of the lack of any technical objection, I give this element of the Council's objection limited weight.
56. The use of the junction from the A619 into Bondhay Lane would require some vehicles to cross onto the opposing carriageway of the A619 for some manoeuvres. Whilst this is not unusual for some large load vehicles, the junction is close to a bend on the A619, and I have some concern as to the acceptability of such a manoeuvre. The appellant has considered the use of this junction with the relevant Highway Authority, and it would be for the authority to introduce, in consultation with the Council, any matters into the final TMP if they need to do so. I am however satisfied that, if the junction is found to be unsuitable for any manoeuvres into Bondhay Lane from the west, then there is a roundabout to the east on the A619. This would allow associated vehicles to approach the junction from the east along the A619, and this matter thus does not weigh against the appeal.
57. HGV traffic using Bondhay Lane at this junction would increase as a result of the development. The maximum daily increase would be from 30 to 90 HGV movements, over a three week period, and on average, HGV movements would generally double. This would result in some loss of amenity to nearby

residents, although there are already some 500 daily vehicle movements along Bondhay Lane at this point. I therefore consider that the additional movements, for the periods proposed, would not be unacceptable in terms of amenity or safety of nearby residents or the structural integrity of their properties.

58. The nature of the accompanied site visit necessitated the use of high visibility clothing and special attention to the approach of vehicles from either direction along Common Road and Packman Lane. This matter has been put to me as evidence in support of dismissing the appeal. It is right that special attention was paid to safety on the site visit, and I recognise that currently care has to be exercised when walking along these roads. I would however return to the point that an escort vehicle would be used in advance of any HGV using the route, with a specific responsibility to advise other road users of the approaching vehicles and managing an appropriate means of their passing. This would be very different to the current situation, where I feel that some drivers may not necessarily expect the road to be occupied by pedestrians, horse riders or cyclists. The circumstances of the site visit do not therefore weigh against the appeal.
59. My attention has been drawn to other investigation proposals relating to future shale gas extraction in the surrounding area. I am satisfied that their access arrangements would not use the lanes between the appeal site and the A619. I am also satisfied that the A619 is of a sufficient standard to be likely to be able to adequately accommodate any cumulative traffic impact.
60. Concerns have been raised about the impact of the development on traffic in South Anston. The proposed site access route is some distance from South Anston and traffic between the motorway network and South Anston would have to use a different motorway junction to that proposed. I therefore do not consider that the development would increase traffic levels in South Anston.
61. The proposal includes the formation of a community liaison group, to be approved by the Council, and I anticipate that this would include lines of communication between local residents and the appellant and the Council. There has been sufficient publicity around this proposal and the details of access to lead me to the view that any breaches of the conditions would be quickly brought to the attention of the appellant and the Council. The ETMP also requires that all vehicles accessing the site would need permission before they do so for safety and security reasons. All of this indicates to me that any abuse of the proposed traffic routes could be quickly investigated and corrected, and that traffic impacts through Harthill would be satisfactorily regulated.
62. There may however be short periods of time where non-site related traffic would prefer alternative routes to that used for site access. This would be difficult to regulate. Such traffic displacement would however be likely to occur during the periods of maximum usage of the route, the times of which would be limited. I therefore do not consider that traffic displacement, through Harthill or other areas, should weigh against the appeal.
63. I recognise that there is a problem of fly-tipping along the lanes proposed for the site access route, and that the suggested laybys would provide further opportunities for such tipping. The laybys would however be covered under a

section 278 agreement, under the 1980 Highways Act, with the relevant Highway Authority and I can see no reason why the clearance of any tipped debris on the laybys and around them could not be included in any such agreement. Moreover, the laybys would need to be clear of debris for them to be used in any event.

64. From all of the above points, I am satisfied that there would be no residual, cumulative and severe impacts from the proposal that would make it unacceptable on transport grounds.
65. I therefore conclude that the proposal would not necessarily have an unacceptable impact on the existing uses of the highways in the surrounding area. I further conclude that it thus would not conflict with the NPPF.

Other Matters

Hydraulic Fracturing

66. Various concerns have been raised that the proposed development would include hydraulic fracturing, or fracking. Within the appellant's evidence and during the Inquiry, it was clearly explained that the development would not include the hydraulic fracturing of underground strata as part of the investigation. The pressure applied during the transient testing proposed would be less than that required to hydraulically fracture the strata, and there would be no injection of sand or gas extraction. The other investigation processes within the development would involve the taking of samples and non-intrusive testing.
67. The development requires an Environmental Permit from the Environment Agency (EA). Such a permit has been granted for the management of extractive waste at the appeal site. The permit specifically does not cover well stimulation of any type, including hydraulic fracturing and/or hydrocarbon extraction and/or production (including appraisal and extended well testing).
68. The development would take place under a Petroleum Exploration and Development Licence from the Department for Business, Energy and Industrial Strategy. There is thus a presumption that investigations, if they are acceptable in planning and other consent terms, should be progressed in licensed areas, including this one. This is in order that proper judgements can be made on the most suitable locations for any future extraction processes.
69. I recognise that well stimulation would be likely to be a crucial part of further exploration under the licence. It is however not integral to the pressure transient testing proposed at this site under this application and well stimulation is not a matter for consideration in this appeal. The proposal before me is thus as described in the application and would not include hydraulic fracturing. It would be further constrained by the exclusions in the associated permit, which would be appropriately regulated under the permit regime. I am therefore satisfied that the development would not include hydraulic fracturing.
70. It has been suggested that the development could result in seismic effects or structural damage to properties in the surrounding area and that this could have an effect on householders' insurance policies. From the evidence provided, there is no apparent linkage between the development proposed and

such effects, and I therefore give these matters limited weight in my decision. Moreover, I can see no evidence that the appellant should be required to insure against such an eventuality. Furthermore, the matter of property values is not a matter that I can take into account in this planning appeal in any event. This is on the basis that planning is concerned with land use in the public interest, and thus the protection of purely private interests such as the impact of a development on the value of properties cannot be a material consideration.

71. From the investigation process described, I am satisfied that there would be no materially adverse geological effect. Shale gas is not generally mobile, and the well would be capped in any event so that there would be minimal risk of long term gas leakage. Moreover, I have not seen any evidence to suggest that there would be any risk from the escape of radon contaminated groundwater.
72. The design and operation of the proposed well would be regulated by the Health and Safety Executive, in addition to matters covered under the Environmental Permit. I am satisfied that the presence of these independent regulators at various stages during the proposed development would secure an appropriate level of safety, together with comprehensive emergency procedures, at the site.
73. The area around the appeal site includes many underground mine workings. The investigation proposed however would have a limited horizontal extent, and would not include any horizontal drilling. The Coal Authority has also confirmed that the site does not fall within any defined Development High Risk Area in relation to coal mining. It has also confirmed that all ground movement relating to past mining activities should have stopped. Whilst mine abandonment data has been examined, in order that voids and loose material could be avoided, they have been routinely penetrated safely by coal, oil and gas drilling in nearby locations for many years. In view of all of this and all of the above points, I do not agree with the public safety concerns raised in respect of this appeal.
74. The Government's 16 September 2015 Written Statement to Parliament on Shale and Oil Gas Policy advised that the supply of natural gas is a key requirement for years to come if the UK is to successfully transition to a low-carbon economy. Since 2004, the UK has been a net importer of gas due to the rapid decline of production from the UK Continental Shelf. The Government's 17 May 2018 Written Statement to Parliament on Energy Policy advised that the proportion of imports was continuing to increase. Developing home-grown shale resources could reduce our dependency on such imports. The Government therefore considers that shale gas development is of national importance and that there is a clear need to explore and test our shale potential.
75. The Government expects Mineral Planning Authorities to give great weight to the benefits of mineral extraction, and this includes shale gas exploration. The national importance of the development proposed is therefore a matter to which I attach great weight and it represents a benefit against which any harm from the development should be balanced.
76. It has been suggested that there are better sources of energy, and that the development would represent poor value for money. Given the Government's position on this type of development and the granting of the exploration

licence, these generic concerns in respect of the appropriateness of this type of investigation are not matters to be addressed at this Inquiry. The Inquiry is to determine, in land use planning terms, the acceptability of this particular operation on this particular site. In a similar manner, it has been suggested that better locations may exist for this operation. This may or may not be the case but again the assessment of other locations is outside the scope of this Inquiry. It has also been suggested that 'mission creep' may result if the appeal is allowed. This however needs to be controlled by the conditions imposed and not by refusing permission in the first place.

77. I therefore consider that, whilst the development would not include hydraulic fracturing, the benefits from the investigation proposed in terms of future energy supplies should be given great weight in accordance with Government policy.

Ecology

78. The appeal site lies within the Loscar Common Local Wildlife Site (LWS). Natural England (NE) has raised no objection to the development. The nearest protected sites are Sites of Special Scientific Interest (SSSIs), at Ginny Spring, Whitewell Wood and Crabtree Wood, which are some 1.8 and 2.2km from the appeal site. In view of the evidence given to the Inquiry and these separation distances, I am satisfied that the development would not be likely to have an adverse effect on any SSSI or other protected sites.
79. Prior to the planning application being made, the appellant requested a screening opinion from the Council. This concluded that the development was not likely to have a significant effect on the environment in terms of the Environmental Impact Assessment (EIA) Regulations and that the development did not require an EIA. The Secretary of State's corresponding direction confirmed that the development was not EIA development.
80. Loscar Common qualifies for LWS status due to its woodland habitat and corn bunting breeding bird populations. Loscar Wood Plantation, part of which is adjacent to the field in which the appeal site is located, is potentially re-planted ancient woodland, with the planting of broad-leaved species dominated by sycamore. The appeal site is located to leave a 30m buffer zone to the woodland, against an NE advised minimum of 15m. I agree with the main parties that the development would have no direct impact on the woodland itself.
81. Corn bunting is on the Birds of Conservation Concern - 4: Red List. This is the highest level of conservation concern and priority. The appellant undertook an extended Phase 1 Habitat Survey following a data search. This identified records of ground nesting birds in the area of the site, but not corn bunting.
82. The field in which the site is located is currently in arable winter wheat production. The site, which has an area of some 1.4ha, is focussed towards the centre of the field which has a grassy margin. Whilst the margin is of limited quality, a very limited area of the margin would be lost as a result of the development. As a result of all of these factors, I agree with the appellant's findings that there would be limited temporary disturbance and displacement of breeding birds and that this would not be significant. There has been no pre-application breeding bird survey. During the Inquiry, the Council withdrew its ecological objection to the appeal. I thus consider the

Council to be satisfied with this approach, subject to the imposition of a pre-commencement protected species survey condition.

83. The development would include floodlighting within 50m of the nearby woodland. The extended Phase 1 Habitat Survey identified features that bats tend to use in the woodland, and a bat survey was undertaken in August and September in accordance with NE guidelines. The arable nature of the field in which the appeal site is situated is of negligible value for bat commuting or foraging and is likely to only provide access to the nearby woodland. I therefore consider that the survey level was proportionate and appropriate.
84. The bat survey recorded at least five species, two of which are light sensitive although they were recorded in low numbers and thought to use the site occasionally. Furthermore, the lighting on the site would be kept below the Bat Conservation Trust Guidelines and would be subject to Council approval. Moreover, any impact would be along a single edge of the woodland. I am therefore satisfied that the development would not be reasonably expected to have an adverse effect on the conservation status of bats and that there would be no conflict with Core Strategy² (CS) Policy CS20.
85. I am satisfied that the limited duration of construction and decommissioning noise, together with the more constant nature of noise associated with drilling would not have a significant effect on protected species. A 16m length of hedgerow on Common Road would be removed to provide a highway visibility splay for the site access. The hedgerow, following an assessment in accordance with the Hedgerow Regulations 1997, is species rich, has less than 10% gaps, is more than 30 years old and forms part of a field system that pre-dates the enclosure Act. As a number of the relevant criteria are met, the hedgerow qualifies as being important under the regulations. There is however no evidence of nesting birds and the hedgerow itself is very thin at the location to be removed. I therefore consider that its removal and replacement would not be unacceptable, as this would give an opportunity for it to be replaced in a denser form with a maintenance period regulated under a condition.
86. The site access route is bounded by hedgerows. These would not be physically impacted by the construction of the proposed passing places. There would however be a limited increase in the frequency of traffic noise events on Packman and Bondhay Lanes. On Common Road, where there would be a material increase in this frequency, the hedgerows are generally set further back from the carriageway. I am therefore satisfied that additional traffic noise would not have a significant effect on hedgerow ecology.
87. The field in which the appeal site is situated is bounded by Public Rights of Way (PRoWs) and Common Road on three sides. The PRoWs form part of an identified parish walk and Common Road is used by local residents and other walkers. The development would affect interaction between walkers and nature on these routes.
88. The lengths affected would however represent a small part of the parish walk and not the majority of Common Road, both of which are almost entirely within the LWS. Furthermore, the appeal site forms a very small proportion of the area of the LWS. I am therefore satisfied that the development would not

² Rotherham Local Plan: Core Strategy: September 2014

significantly undermine the intrinsic interest of the LWS or the opportunity it provides for contact with and the enjoyment of nature.

89. I accept that the development could have a negative, but not significant, impact on features of biodiversity value for the period of the development. I am however satisfied that impact has been, and would be, minimised through the design, layout, construction and operation of the development and by the incorporation of suitable mitigation measures. These would avoid a residual adverse impact on biodiversity and maintain 'no net loss'. I am also satisfied that the development would not be likely to, directly or indirectly, result in the loss or deterioration of sites, habitat or features that are considered to be irreplaceable due to their age, status, connectivity, rarity or continued presence. I therefore consider that the development would accord with emerging DPD Policy SP36 and paragraph 118 of the NPPF. I give this emerging policy substantial weight on the basis that it reflects national policy and guidance.

Character and Appearance

90. The appeal site lies within an area which the Council has designated as being of High Landscape Value under CS Policy CS21, although the Council has suggested that this designation is to be removed. The planning application included a Landscape and Visual Impact Assessment (LVIA). The development itself would be screened by 2-3m high bunds around the perimeter of the site.
91. The LVIA predicts that substantial landscape effects would occur immediately around the site and to the south west during the construction, drilling, workover and decommissioning stages of the development. These substantial landscape effects would be present for some 46 weeks, with a rig of 60m high being present for 20 weeks and potentially a rig of 32m high for five weeks. Substantial visual effects are predicted to occur along the eastern edge of Harthill village and along Common Road and Harthill Field Road to the south and west of the site, and these effects would be present for a similar period.
92. From the zone of theoretical visibility provided with the LVIA, the areas of woodland around the site would greatly restrict the visibility of the development at lower levels. These restrictions would reduce the numbers of affected residential properties on the eastern edge of Harthill, and indeed it would only be the properties on the edge of the village which would be affected in any event. It is of note that development within the eastern part of the village is quite dense, with boundary properties that would protect those further into the village, where the topography also generally slopes away from the site.
93. Some limited restriction to visibility immediately adjacent to the site would also be provided by the perimeter bunds. PRowS pass alongside the field in which the site is situated to the north and to the east between the field and the adjacent Loscar Woodland Plantation. Common Road runs in close proximity to the south of the site.
94. The development would be very visible in views from these PRowS and when travelling eastwards along Common Road towards the site, which is a walking route used by local residents. I agree that it would industrialise these views and could be overbearing in close proximity affecting the amenity of those with views to the site. The views however would only be present over a short

length of the parish walk identified on a parish leaflet, and in one direction when travelling along the majority of Common Road to the west of the site. Furthermore, the proposed defined period for the development and the Council control of restoration arrangements, including those for any passing places, would minimise the adverse landscape impacts from the development.

95. Views of the upper sections of rigs used on the site would be available over the woodlands and therefore present over a wider area. They would however comprise a single structure, in place for a period of some 25 weeks, and be seen in many views alongside the nearby wind turbines. Whilst the turbines are relevant in terms of cumulative effect, their rotors gain a greater height than would be the case at the top of the drilling rig. I am therefore of the opinion that this, and their movement, would tend to draw the eye away from the rig, thus reducing its impact. In terms of assessment, the presence of the turbines and their known height has also negated much of the need for photomontages of the proposed development.
96. The development would be lit at night although such lighting would be kept to a minimum, primarily for ecological reasons, and would be subject to Council approval. Lighting at and just above ground level would be somewhat screened from properties in Harthill and elsewhere by the woodland around the site. I visited the area after dark, and the level of ambient light was low. Site lighting could therefore be visible through some of the woodland, particularly during winter although there are of course fewer outdoor activities over this period. I am satisfied however that site lighting would not be at a level sufficient to cause unacceptable nuisance. I anticipate that a rig would need to have navigational lights at its highest point, in a similar manner to the wind turbines. This light however would neither be unusual for the area nor intrusive.
97. Notwithstanding the above points, which would reduce any impact, I consider that the development would detract from, and be harmful to, the landscape and visual character of the surrounding area in conflict with CS Policy CS21 and emerging DPD Policy SP35. I only give this emerging policy moderate weight in this decision due to the doubt over its future applicability to the area around the appeal site. This harm or conflict would not however be sufficient reason to dismiss the appeal when balanced against the benefits of the development in terms of potential future energy supplies.

Living Conditions

98. I will firstly consider noise and vibration. During the day within the construction period of 12 weeks, the forecast noise level at the nearest noise sensitive receptor would be 54dB LA_{eq 1hr}. Whilst this would be audible, it would be less than the guideline limit of 55dB LA_{eq 1hr} in Planning Practice Guidance (PPG).
99. The forecast is however based on a worst case scenario, with all site plant operating at the same time. I consider that this would be infrequent, if not unlikely, and that this worst case forecast would off-set other factors such as noise reflecting meteorology. Furthermore, the agreed condition set at 55dB LA_{eq 1hr} would include other noise sources, and would thus trigger a non-compliance below 54dB LA_{eq 1hr} from the site itself.

100. At night, the drilling rig is forecast to generate a sound level of 37dB LA_{eq 1hr} (free field) at the nearest noise sensitive receptor. This would be well below the PPG guidance level of 42dB LA_{eq 1hr}. The ambient night time background levels are between 24 and 46dB LA₉₀ and, at some times, the rig could be audible outside the nearest noise sensitive receptor. This however would not be unacceptable, or result in harmful sleep disturbance, based on PPG and the World Health Organisation standards of 40dB L_{night}, which is an average over 12 months.
101. The site access route along Packman Lane passes between the residential properties at Loscar and Honeysykes Farms. The site traffic would increase noise levels at these properties. Its character would however be short spikes, somewhat similar to agricultural and other vehicles passing. This, combined with the lower frequency of forecast site movements than is the case with existing vehicles, would not be unacceptable in terms of its impact on occupiers.
102. In terms of other vibration, the drilling would be of a bored and not percussion type. I am satisfied that ground borne vibration from this operation would be imperceptible at locations over 20m from the rig, and it is of note that the nearest sensitive receptor would be some 500m from the rig.
103. I now turn to consider air quality. The development would create fumes from diesel plant and vehicles. The site is not within an Air Quality Management Area (AQMA) and plant and vehicles would comply with current emission standards. The HGV site access route does however pass through the Barlborough AQMA, and the development would increase emissions in this AQMA. The AQMA however comprises the busy roundabout junction between the A616 and the A619, and I am satisfied that the additional HGV movements would be well below the trigger levels which would require further assessment.
104. The well would include a number of casings over its depth, with some of the casings separated by the addition of cementitious lining. The potential for the release of hydrocarbon or indeed other gases would be limited in any event, but the casings and linings would further reduce the risk of any escape. In view of the separation distances between the site and sensitive receptors and also the presence of woodland around the site, I do not consider that there would be any harm from fugitive dust emissions.
105. I therefore consider that the development would not have an unacceptable adverse impact on the living conditions of nearby occupiers.

Historic Environment

106. From the LVIA, I am not convinced that there would be any intervisibility between All Hallows Church, Harthill and the Church of St Peter, Thorpe Salvin, which are both Grade I listed buildings, and the development. This would include any rig on the site, and they would not be likely to be seen in the same view as any such rig. Furthermore, their separation distances approach 1.5km from the site, and they exist within settlements that generally form their setting. I therefore do not consider that the development would have a harmful effect on the settings of these churches.

107. The ruins of Thorpe Salvin Hall and its gatehouse are Grade II* listed structures. They are some 1.5km from the appeal site and are separated from the site by two substantial blocks of woodland. The development would be for a temporary period, during which the woodland would be very unlikely to be felled. I am not aware of anywhere where the ground level development and the hall ruins and gatehouse would be seen in the same view. I suspect there may be some locations where the rig top and the hall ruins and gatehouse could be seen in the same view. The hall ruins and gatehouse exist however in the context of the adjacent village and the rig top would exist in the context of the open countryside and woodland blocks, together with the nearby turbines. I therefore do not consider that the proposal would have a harmful effect on the setting of the hall ruins and gatehouse.
108. There are a number of other designated heritage assets generally within Harthill and Thorpe Salvin. The circumstances and visibility relating to their settings are similar to those of the churches, and I similarly do not consider that there would be any harm to their settings.
109. The appeal site and the upper part of any rig would be visible from some very limited parts of the Harthill Conservation Area (CA). As a result of this very limited intervisibility, the separation distance of some 1km and the village environment of the CA, I am satisfied that there would be no harm to its significance or setting. A similar situation would exist in respect of the Thorpe Salvin CA except that the separation distance would be some 1.5km and only the upper parts of a rig would be visible over the areas of woodland around the appeal site.
110. Packman Lane is a non-designated heritage asset, said to be of pre-historic origin. Whilst the development could result in the removal of verge material at a number of locations along the lane, this would not result in the removal of the hedgerow boundaries. Any removal of material would be subject to a s278 agreement with the Council as Highway Authority and, if the Council thought necessary, I am of the view that an archaeological requirement could be included in the agreement. Furthermore, I am satisfied that, should anything of historical interest be found, sufficient flexibility would exist within the TMP approval mechanism to make amendments to the passing places.
111. I therefore consider that the development would not have a harmful effect on the significance of any heritage assets and would preserve their settings and the character and appearance of the CAs identified in terms of their settings. In coming to these opinions, I have paid special attention to the desirability of preserving these assets and settings, and these are matters to which I have attached considerable importance and weight.

Aquifers

112. The ground below the appeal site includes aquifers which feed Harthill Ponds and the many springs in the area as well as generally providing water supplies for the region. The development would not include any horizontal drilling and would have a limited effect outside of the immediate area around the well. Furthermore, there would be multiple casings, as described in the Inquiry by the appellant, to protect the interface between the drilling and the aquifers. Moreover, exploratory drilling through the aquifers is not unusual for this area.

113. The drilling would be assisted by water and oil based drilling fluids. The use of these fluids would be regulated by the EA under the Environmental Permit for the development, and the EA has granted the permit and made no objection to the planning application or this appeal. Water based drilling fluids would be used to a depth below the identified primary and secondary aquifers. These fluids would include polymers, which would be of drinking water quality.
114. Oil based drilling fluids, of low toxicity, would be used where necessary below the aquifers, and spent fluids would be returned to the supplier for disposal. Shallow groundwater monitoring, required by the Environmental Permit, would also be undertaken in sentinel wells. I therefore do not consider that the development would have an adverse effect on water quality within the identified aquifers.

Human Rights

115. Representations were made to the effect that the rights of local residents under the Human Rights Act 1998, Article 1 of the First Protocol and Article 8, would be violated if the appeal were allowed. I do not consider this argument to be well-founded, because I have found that the proposed development would not cause unacceptable harm to living conditions. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights. Furthermore, I do not consider Article 2 of the First Protocol to be engaged.

Agricultural Land

116. The appeal site comprises Grade 2 agricultural land. The loss of this land for agricultural purposes would be for a defined period of time, and a restoration and maintenance plan, to be approved by the Council, would be undertaken to return the site to agricultural use. I therefore do not consider that the loss of this land for the period of the development weighs against the appeal.

Climate Change

117. I have already considered the very limited potential for gas escape, including fugitive methane emissions and vehicular and plant emissions in terms of air quality. I am also satisfied that the temporary site offices would not represent development that was of an unsustainable nature. I therefore consider that the development would minimise greenhouse gas emissions in terms of climate change.

Cumulative Impact

118. I have assessed this exploration of onshore gas on merits against all material considerations and national planning policy in accordance with CS Policy CS26. My attention has however been drawn to other similar applications in the surrounding area. These include Woodsetts and Marsh Lane, Eckington. They are separated from the appeal site by some 5 and 11km. From the evidence given at this appeal, I am satisfied that the effects identified from the development would not extend sufficiently towards these other sites in order for there to be a cumulative effect. This is notwithstanding that there could be some intervisibility from ground level to rig top. As a result, I am also satisfied that the status of the appeal development as non-EIA

development is still valid. Any further applications would, of course, need to be considered on their own merits.

119. Emerging DPD Policies SP51 and SP53 set out various requirements for the exploration of unconventional hydrocarbons and mineral workings. These emerging policies have been found to be sound, subject to minor modification following an examination in public. I therefore give them great weight, and I am satisfied that the development would accord, and that my assessment has accorded, with their requirements.
120. I have considered all representations, including those by Rt Hon Sir Kevin Barron MP and Mr J Mann MP, in addition to those covered above. None however, either individually or cumulatively, carry sufficient weight to lead me to the view that the appeal should be dismissed.

Conditions

121. I consider that conditions in relation to passing places, a traffic management plan, a dilapidation survey, highway debris, access visibility, site surfacing, HGV movements, the site access gradient and site parking and turning facilities would be necessary in respect of highway safety.
122. It was agreed in the Inquiry that the condition relating to passing places would operate as a Grampian type condition, requiring the provision to be made before any development takes place. Any work itself would be carried out under a s278 agreement with the relevant Highway Authority. The Council has already expressed its satisfaction with the proposed passing places on Common Road and Packman Lane. There is therefore a reasonable prospect that passing places could be provided within an appropriate timetable for the development. I recognise that passing places could be regulated under an approved TMP, but I consider that this may not sufficiently accommodate the Grampian nature of the condition, and I would therefore impose the condition.
123. Any passing places on Bondhay Lane would require a s278 agreement with Derbyshire County Council (DCC) as Highway Authority. DCC has not voiced any objection to the planning application or to the use of Bondhay Lane as the appeal site access. A joint site visit with DCC officers has also taken place, including the future operation of the junction of Bondhay Lane with the A619. I am therefore satisfied that there is a reasonable prospect of any necessary places being provided on Bondhay Lane within the time-limit imposed by the permission. I therefore consider that the condition would be an acceptable solution in this particular context. It would also be necessary that the regulation under the condition itself is under the control of the Council. This would be in order that the development could be made acceptable in planning terms by the provision of any necessary passing places between the site and the A619.
124. During the Inquiry, the Council agreed that highway dilapidation due to appeal site access traffic could be remedied under a future s278 agreement. Whilst this may be the case, I am not convinced that such an agreement would be put in place for the lengths of highway between the passing places that would be the subject of the agreement and indeed the separate condition. I therefore consider that a dilapidation survey condition would be necessary, to accommodate the eventuality that the s278 agreement does

not include the entire highway. I also consider that 14 days would be a reasonable time in which to prepare a scheme to respond to damage, bearing in mind that other response times in conditions suggested by the main parties are 7 days.

125. The appellant has explained that all vehicles accessing the appeal site would require the permission of the logistics manager before entering Bondhay Lane for safety and security reasons. Furthermore, transport would be provided for staff to and from the site. I am therefore satisfied that there would not be pressure on the existing parking bays on Common Road, and that to have the parking bays on the site provided before the commencement of drilling would be an appropriate control. I am concerned that the condition suggested by the appellant and the Council to prevent parking on the carriageway of Common Road and Packman Lane could be unenforceable as it stands and could unreasonably restrict use of the highway by others. I therefore consider that it would fail the necessary tests.
126. Local residents have expressed concern over the Council's lack of action in protecting their environment, particularly in relation to traffic and environmental matters. I consider however that the Council's technical officers have acted appropriately and responsibly in first rejecting and then accepting revised draft proposals in relation to traffic management for the appeal site access. I therefore have no doubt that this approach would continue. I could therefore rely on them to protect local interests in relation to submissions that would be made under the traffic management conditions suggested by the appellant and agreed by the Council. I therefore do not give any appreciable weight to concerns expressed in this regard.
127. There is no suggested condition which would protect hedgerows along the site access route. The appellant has suggested that no hedgerows would be affected by the construction of any of the agreed passing places, and there is no objection from the Council in this regard. Furthermore, any highway boundary hedgerows are under the ownership of the Highway Authority or the adjacent landowner. I therefore consider that such a condition would be unnecessary.
128. Conditions relating to a noise management plan, a dust management plan, a community liaison group, hours of work, noise levels, reversing warning alarms and drilling rig details would be required to protect the living conditions of nearby occupiers.
129. It has been suggested that, in view of the types of plant to be used, tonal noise limits should be set for the development, and I accept that tonal noise should be regulated if appropriate. The Noise Management Plan would require data from manufacturers' noise tests to be approved by the Council, before any development takes place, for each item of noise emitting plant to be used on the appeal site. It would also require the submission and approval of methods to determine whether noise is free from tonal, intermittent or impulsive characteristics before any development takes place. Moreover, the plan would also include a mechanism for the setting of any necessary noise limits and tonal weighting together with mitigation.
130. The assessment and any Council approval of mechanisms for the regulation of tonal noise would therefore take place when the associated risks are better understood. Moreover, the Council's environmental health officers would

have the opportunity to address this matter with the maximum pre-commencement knowledge of matters relating to noise generation, rather than the alternative and separate condition as suggested by the parties. During the Inquiry, the parties also agreed that a condition to require site based vehicles and plant to have 'white noise' or similar low intrusion reversing warning alarms could be imposed.

131. In the Inquiry, the appellant agreed to the coverage of Common Road, Packman Lane and Bondhay Lane by the access time condition. This would mean that all HGVs accessing the appeal site would need to have left these highways by 19.00 on weekdays and 13.00 on Saturdays. Moreover, work on the site, apart from drilling operations, could not take place after these times. The effect of these conditions would be to require HGVs to have loaded or unloaded in advance of the site closure time in order that they could leave the surrounding area in accordance with the access time condition.
132. I have considered whether the access time condition should be brought forward from 19.00 or 13.00. This would however result in less working time on the site, and the potential for specific operations taking longer than currently planned as suggested by the appellant. On balance therefore, I am satisfied that the 19.00 and 13.00 condition suggested by the appellant and the Council would represent a reasonable balance.
133. Conditions in respect of species verification surveys, repeat ecological impact surveys, hedgerow work restrictions, the submitted ecological report, external lighting and hedgerow maintenance would also be necessary in the interests of biodiversity.
134. To protect the character and appearance of the surrounding area, conditions in relation to site restoration and aftercare would be required. The restoration condition suggested by the appellant and the Council would require the Council to confirm that the restoration works had been completed when this had taken place. This condition cannot bind the Council to a particular course of action, and I would therefore amend that element of the condition. In relation to the historic environment and public safety, conditions in respect of archaeology and contamination would also be necessary.
135. It would be necessary that the development should be undertaken in accordance with the approved plans and duration for the avoidance of doubt and in the interests of proper planning. Conditions would therefore be required to define the approved plans and development duration. I would also amend the conditions suggested by the main parties in the interests of precision and enforceability.

Conclusion

136. I have found that the development could have a negative, but not significant, impact on features of biodiversity value for the period of the development. I have also found that the development would detract from, and be harmful to, the landscape and visual character of the surrounding area. These matters would not however outweigh the benefits from the investigation proposed in terms of future energy supplies, to which I give great weight.

137. Having taken into account all other matters raised, including cumulative effects, none carry sufficient weight to alter the decision. My conclusion is based on the evidence before me, including the environmental report submitted with the planning application and in terms of policy as a whole. Moreover, I am satisfied that my amended conditions would make the development environmentally acceptable and that it would constitute safe and sustainable development in the light of the NPPF. For the reasons given above, I conclude that the appeal should be allowed.

Stephen Roscoe

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|-----------------------------------|--|
| Mr J Darby of Counsel | Instructed by Ms S Shabir, Rotherham Metropolitan Borough Council |
| He called | |
| Mr I Ferguson BSc MCIHT | Case Officer, Highways Development Control Section, Rotherham Metropolitan Borough Council |
| Mr A Lowe BSc MSc | Planning Officer, Rotherham Metropolitan Borough Council |
| Mr A Godfrey BSc MSc DipTP MCIEEM | Ecological Development Officer, Rotherham Metropolitan Borough Council |

FOR THE APPELLANT:

| | |
|------------------------------------|--|
| Mr G Steele QC (Scotland) | Instructed by Mr S Telfer, DLA Piper |
| He called | |
| Dr A Buroni BSc MSc PhD FRSM FRSPH | Technical Director of Health, RPS |
| Mr D Goold BSc MSc | Geologist, INEOS Shale Ltd |
| Mr A Sloan BEng MSc CEng MIMMM | Independent Well Engineering and Operations Consultant |
| Dr C Hazell-Marshall BSc PhD MIAQM | Principal Consultant, ERM |
| Mr D Russell BSc MSc FGS CGeol | Technical Director, ERM |
| Mr S Fraser BSc MPhil MIOA CEnv | Consultant |
| Mr L Prazsky BSc MSc MCIWM | Technical Director, Wardell Armstrong LLP Consulting Engineers |
| Mr P Macrae MA CMLI | Associate Landscape Planner, LUC |
| Mr K Martin BEng CEng MICE | Director, AECOM Consulting Engineers |
| Mr T Pickering | Operations Director, INEOS Upstream Ltd |

| | |
|----------------------------|---------------------------|
| Ms S Olds BSc MCIEEM | Principal Consultant, ERM |
| Mr M Sheppard BSc MA MRTPI | Planning Director, Turley |

INTERESTED PERSONS:

| | |
|------------------------------|--|
| Ms D Gibson | Local Resident |
| Dr A Tickle BSc PhD DIC FRSA | Director, Campaign to Protect Rural England – South Yorkshire |
| Mr L Barlow | Local Resident |
| Mr M Gallie MSc MRTPI | Planner, Friends of the Earth (England, Wales and Northern Ireland) |
| Cllr J Vjestica | Planning Board Member, Rotherham Metropolitan Borough Council |
| Cllr J Whysall | Planning Board and Local Ward Member, Rotherham Metropolitan Borough Council |
| Rt Hon Sir Kevin Barron MP | Local Member of Parliament |
| Mr L Marston | Local Resident Representing Harthill Against Fracking |
| Dr I Dupère PhD | Reader, Aero-acoustics University of Manchester |
| Mr R Lonsdale | Local Resident |
| Cllr D Beck | Local Ward Member, Rotherham Metropolitan Borough Council |
| Cllr I Lloyd | Chairman, Harthill with Woodall Parish Council |
| Cllr F Raspin | Whitwell Parish Council |
| Cllr I Daines | Thorpe Salvin Parish Council |
| Mrs H Wilks | Local Resident |
| Mr C Brookes | Local Resident |
| Mr D Cunliffe | Local Resident |
| Dr G Kinghorn OBE MD FRCP | Local Resident |
| Mr J Burgess | Local Resident |

| | |
|----------------------|----------------|
| Mrs C Whiting | Local Resident |
| Mr J Drake | Local Resident |
| Mr P Joynes | Local Resident |
| Mrs Y Bramall | Local Resident |
| Ms A Mosley | Local Resident |
| Ms L Widdowson | Local Resident |
| Ms S Kelly | Local Resident |
| Mrs T Wright | Local Resident |
| Ms E Biggin Marshall | Local Resident |
| Mr T Johnson | Local Resident |
| Mrs J Johnson | Local Resident |
| Mr G Littler | Local Resident |
| Ms M Havard | Local Resident |

DOCUMENTS**General**

- G1 Letter of Notification of the Inquiry
- G2 Communications from Interested Persons
- G3 Email from the appellant to the Council dated 23 March 2018 attaching the AECOM report.
- G4 Council email response to the appellant dated 26 March 2018

Core Documents*Application Documents*

- CD1.1 Document 1 Covering Letter
- CD1.2 Document 2 Application Forms and Checklist
- CD1.3 Document 3 Our Proposals Explained
- CD1.4 Document 4 The Proposal (May 2017)
- CD1.5 Document 5 Application Drawings
- CD1.6 Document 6 Planning Statement
- CD1.7 Document 7 Environmental Report
- CD1.8 Document 8 Statement of Community Involvement

National Legislation, Policy Documents and Guidance

- CD2.1 National Planning Policy Framework (March 2012)
- CD2.2 Landscape Institute (2013) *Guidelines for Landscape and Visual Impact Assessment*. 3rd Edition. Routledge. Extract pages 84 – 85 and 152 – 155
- CD2.3 National Heritage List for England: Barlborough Hall <https://historicengland.org.uk/listing/the-list/list-entry/1001365> and Shireoaks Hall <https://historicengland.org.uk/listing/the-list/list-entry/1000367>
- CD2.4 Bat Conservation Ireland (2010). *Bats & Lighting, Guidance Notes for: Planners, Engineers, Architects and Developers*
- CD2.5 Bat Conservation Trust and Institute of Lighting Engineers (2009). *Bats and Lighting in the UK. Bats and the Built Environmental Series*

- CD2.6 British Standards Institution (2013). *BS 42020:2013 Biodiversity – Code of Practice for Planning and Development*. British Standards Institution (BSI), London. Extract pages 9 – 12
- CD2.7 Wood White Factsheet. Butterfly Conservation. <https://butterfly-conservation.org/50-603/wood-white.html>
- CD2.8 Collins, J (ed) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd ed)*. The Bat Conservation Trust. Extract pages 14 – 23; 32 – 37; 44 – 49
- CD2.9 DEFRA (2007). *Hedgerow Survey Handbook: A standard procedure for local surveys in the UK. 2nd Edition*
- CD2.10 English Nature (2002). *Badgers and Development*
- CD2.11 Gilbert *et al.* (1998) *The Shortened BTO Common Birds Census (CBC) methodology*. Extract pages 386 – 388
- CD2.12 Institute of Environmental Assessment (1995). *Guidelines for Baseline Ecological Assessment*. Spon, London. Extract pages 9 – 27
- CD2.13 Institution of Lighting Professionals, 2011 *Guidance notes for the Reduction of Obtrusive Light GN01.2011*
- CD2.14 Joint Nature Conservation Committee (JNCC) (2010) *Handbook for Phase 1 habitat survey – a technique for environmental audit*
- CD2.15 Mitchell-Jones A.J. (2004) *Bat Mitigation Guidelines*. Peterborough: Joint Nature Conservation Committee (JNCC)
- CD2.16 Natural England (2014) (last updated 4/01/2018). *Ancient woodland and veteran trees: protecting them from development*
- CD2.17 Natural England (2015). *Standing advice for local planning authorities to assess impacts of development on bats*
- CD2.18 DEFRA and Natural England, August 2016, Protected sites and how to review applications that might affect protected sites and areas. <https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications>
- CD2.19 Joint Nature Conservation Committee UK BAP Priority terrestrial mammal species <http://jncc.defra.gov.uk/page-5170>
- CD2.20 Hayhow, D.B. *et al* 2017. The State of the UK's Birds. British Trust for Ornithology <https://www.bto.org/research-data-services/publications/state-uk-birds/2017/state-uk-birds-2017>
- CD2.21 Eaton, M.A. *et al.* (2015) Birds of Conservation Concern 4. RSPB http://ww2.rspb.org.uk/Images/birdsofconservationconcern4_tcm

9-410743.pdf

- CD2.22 Natural Environment and Rural Communities Act (2006). Section 41: Species of Principal Importance in England.
<http://www.legislation.gov.uk/ukpga/2006/16/section/41>
- CD2.23 Planning Practice Guidance on Minerals (Minerals PPG) 17 October 2014 <https://www.gov.uk/guidance/minerals>
- CD2.24 Written Ministerial Statement on Shale Gas and Oil Policy HCWS202, 16 September 2015
- CD2.25 World Health Organization (WHO) (1999) *Guidelines for Community Noise*
- CD2.26 World Health Organization (WHO) (2009) Night Noise Guidelines for Europe
- CD2.27 The British Standards Institution (2014) BSI Standards Publication BS 4142:2014 Methods for rating and assessing industrial and commercial sound
- CD2.28 The British Standards Institution (2008) BSI Standards Publication BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise
- CD2.29 DEFRA (2010) Noise Policy Statement for England
- CD2.30 International Organization for Standardization (ISO) International Standard ISO 9613-2 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation. First Edition 1996-12-15
- CD2.31 Department for Transport (2007) Manual for Streets. Extracts pages 74; 79; 91
- CD2.32 The Chartered Institution of Highways and Transportation (2010) Manual for Streets 2. Extract page 75
- CD2.33 The Road Traffic Regulation Act 1984
- CD2.34 Chartered Institute of Ecology and Environmental Management (CIEEM) (2017) Guidelines for Preliminary Ecological Appraisal. Second Edition
- CD2.35 Chartered Institute of Ecology and Environmental Management (2017) Guidelines for Ecological Report Writing. Second Edition
- CD2.36 Chartered Institute of Ecology and Environmental Management (2016) Guidelines for Ecological Impact Assessment in the UK & Ireland. Terrestrial, Freshwater & Coastal. Second Edition
- CD2.37 DEFRA (2014) Protected Species: how to review planning

applications. Last updated August 2016

Development Plan and Evidence Base

- CD3.1 Rotherham Unitary Development Plan (June 1999)
- CD3.2 Rotherham Local Plan Core Strategy (10 September 2014)
- CD3.3 Rotherham Publication Draft Sites and Policies Document (2015)
- CD3.4 Rotherham Landscape Character Assessment and Landscape Capacity Study (2010)

Correspondence with LPA (including additional information submitted)

- CD4.1 Archaeological Trial Trenching Evaluation Report (2 August 2017)
- CD4.2 Traffic Management Plan Addendum (21 August 2017)
- CD4.3 Hedgerow Survey Report (September 2017)
- CD4.4 Rotherham Metropolitan Borough Council Landscape Officer Memorandum (22 September 2017)
- CD4.5 Bat Report (19 October 2017)
- CD4.6 Passing Place Dimensions Plan (20 November 2017)
- CD4.7 Abnormal Load Swept Path (20 November 2017)
- CD4.8 Harthill Field Road-Common Road Swept Path Analysis (20 November 2017)
- CD4.9 Traffic Management Plan Addendum (2) (1 December 2017)
- CD4.10 Lighting Report (1 December 2017)
- CD4.11 Response to further ecology comments (23 November 2017)
- CD4.12 Letter of response to ecology, trees, landscape, PROW and Bolsover DC (issued to RMBC on 21 August 2017)
- CD4.13 Letter of response to pollution control issues (issued to RMBC on 01 September 2017)
- CD4.14 Letter of response to RMBC on noise and ecology (issued to RMBC on 19 October 2017)
- CD4.15 Letter of response to RMBC on ecology, lighting, highways and public objections (issued to RMBC on 1 December 2017)
- CD4.16 Secretary of State Screening Direction (12 July 2017)

- CD4.17 Rotherham Metropolitan Borough Council Screening Opinion Letter (18 May 2017)
- CD4.18 Rotherham Metropolitan Borough Council Environmental Health Officer Memorandum (3 October 2017)

Inquiry Documents

- CD5.1 Statement of Common Ground between Appellant and Rotherham Metropolitan Borough Council
- CD5.2 Rotherham Metropolitan Borough Council Statement of Case
- CD5.3 INEOS Statement of Case

Consultation Responses

- CD6.1 Natural England response letter of (26 July 2017)
- CD6.2 Third Party Letter from Leigh Day on behalf of Harthill Against Fracking (7 Feb 2018)
- CD6.3 Third Party Letter from Friends of the Earth (21 July 2017)
- CD6.4 Third Party Letter from Harthill with Woodall Parish Council (21 July 2017)
- CD6.5 Third Party Letter from Leigh Day on behalf of Harthill Against Fracking (22 Dec 2017)

Other Points of Reference

- CD7.1 Environmental Permit (17 July 2017)
- CD7.2 Officer Report to Planning Board (25 January 2018)
- CD7.3 CON29M Non-Residential Mining Report (YO18FW23), The Coal Authority
- CD7.4 (1) Samuel Smith Old Brewery (Tadcaster) (2) Oxton Farm V (1) North Yorkshire Council (2) Darrington Quarries Ltd [2018] EWCA Civ 489
- CD7.5 Appeal Decision: Land off Bath Road, Leonard Stanley Appeal Ref APP/C1625/A/13/2207324 (21 July 2014)
- CD7.6 Appeal decision: Land west of Enifer Downs Farm and east of Archers Court Road and Little Pineham Farm, Langdon Appeal Ref APP/X2220/A/08/20718801(6 March 2009)
- CD7.7 Adams, Rick A; Pedersen, Scott C (2000). Ontogeny, Functional Ecology, and Evolution of Bats. Cambridge University Press pp 139-140 ISBN 0521626323. Extract pages 136 – 143.

- CD7.8 Newton, I (2017). *Farming and Birds*. William Collins
- CD7.9 Wray S, Well, D, Long E & Mitchell-Jones T (2010). *Valuing Bats in Ecological Impact Assessment*. In Practice, Edition 70, December 2010. Extract pages 23 – 25
- CD.7.10 Official Journal of the European Communities (25 June 2002) *Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise*
- CD7.11 URS (October 2014) *Evidence and Usage of LOAEL, SOAEL etc.* Prepared for DEFRA
- CD7.12 Harris, et al (1989) *Surveying badgers*. Mammal Society Occ. Publication. No. 9
- CD7.13 RSPB. Land Management for Wildlife. Corn Bunting (*Emberiza Calandra*)
- CD7.14 Stone, E.L. (2014) *Bats and Lighting. Overview of current evidence & mitigation guidance*. University of Bristol

Documents Submitted by the Council

- | | |
|---------|----------------------------------|
| RC/IF/1 | Mr I Ferguson: Proof of Evidence |
| RC/AL/1 | Mr A Lowe: Proof of Evidence |
| RC/AG/1 | Mr A Godfrey: Proof of Evidence |

Submitted During the Inquiry

- | | |
|-----|--|
| RC1 | Urgent Item Report for Planning Board on 19 April 2018 |
| RC2 | Supplementary Statement of RMBC (20 April 2018) |
| RC3 | Opening Statement |
| RC4 | Traffic Management Plan Addendum 1 (15 September 2017) |
| RC5 | Rotherham Candidate Wildlife Sites as of April 2018 |
| RC6 | Closing Submissions |

Submitted Following the Inquiry

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| RC7 | Email from Mr C Wilkins (25 May 2018) relating to the 17 May 2018 Energy Policy Written Statement |
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Documents Submitted by the Appellant

| | |
|----------|---|
| IUL/AB/1 | Dr A Buroni: Proof of Evidence |
| IUL/AB/2 | Dr A Buroni: Summary Proof of Evidence |
| IUL/DG/1 | Mr D Goold: Proof of Evidence |
| IUL/DG/2 | Mr D Goold: Summary Proof of Evidence |
| IUL/DG/3 | Mr D Goold: Appendices |
| IUL/AS/1 | Mr A Sloan: Proof of Evidence |
| IUL/AS/2 | Mr A Sloan: Summary Proof of Evidence |
| IUL/CH/1 | Dr C Hazell-Marshall: Proof of Evidence |
| IUL/DR/1 | Mr D Russell: Proof of Evidence |
| IUL/SF/1 | Mr S Fraser: Proof of Evidence |
| IUL/SF/2 | Mr S Fraser: Summary Proof of Evidence |
| IUL/LP/1 | Mr L Prazsky: Proof of Evidence |
| IUL/LP/2 | Mr L Prazsky: Summary Proof of Evidence |
| IUL/LP/3 | Mr L Prazsky: Appendices |
| IUL/PM/1 | Mr P Macrae: Proof of Evidence |
| IUL/PM/2 | Mr P Macrae: Summary Proof of Evidence |
| IUL/KM/1 | Mr K Martin: Proof of Evidence |
| IUL/KM/2 | Mr K Martin: Summary Proof of Evidence |
| IUL/TP/1 | Mr T Pickering: Proof of Evidence |
| IUL/TP/2 | Mr T Pickering: Summary Proof of Evidence |
| IUL/SO/1 | Ms S Olds: Proof of Evidence |
| IUL/SO/2 | Ms S Olds: Summary Proof of Evidence |
| IUL/SO/3 | Ms S Olds: Appendices |
| IUL/MS/1 | Mr M Sheppard: Proof of Evidence |
| IUL/MS/2 | Mr M Sheppard: Summary Proof of Evidence |

| | |
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| IUL/MS/3 | Mr M Sheppard: Appendices |
| IUL/AT/1 | Mr A Tilley: Proof of Evidence - Not Called |
| IUL/AT/3 | Mr A Tilley: Summary Proof of Evidence - Not Called |

Submitted During the Inquiry

| | |
|------|---|
| IUL1 | AECOM Review of Traffic and Transport Matters (22 March 2018) |
| IUL2 | Opening Statement |
| IUL3 | Email from Mr Lowe to Mr Sheppard (18 October 2017) |
| IUL4 | Curtins' Swept Path Analyses |
| IUL5 | Updated Planning Conditions |
| IUL6 | Closing Submissions |

Submitted Following the Inquiry

| | |
|------|---|
| IUL7 | Email from Mr Sheppard (17 May 2018) relating to the Bondhay Golf Club Complex and Monition Ltd |
| IUL8 | Email from Ms O Carr (25 May 2018) relating to the 17 May 2018 Energy Policy Written Statement |

Documents Submitted at the Inquiry by Interested Persons

| | |
|------|---|
| IP1 | Email from Ms D Allison (20 April 2018) |
| IP2 | Email from Mr G Littler (17 April 2018) |
| IP3 | Statement of Harthill with Woodall Parish Council |
| IP4 | Statement of Harthill Against Fracking Group |
| IP5 | Statement of Whitwell Parish Council |
| IP6 | List of Residents and Other People Wishing to Speak |
| IP7 | Updated Statement of Harthill Against Fracking Group |
| IP8 | Statement of Dr I Dupère |
| IP9 | Email from Mr N White (25 April 2018) |
| IP10 | Statement and Documents of Rt Hon Sir Kevin Barron MP |
| IP11 | High Court Citation: [2017] EWHC 1456 (Admin) - Steer |

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| IP12 | Statement of Mr L Barlow |
| IP13 | Statement of Mrs H Wilks |
| IP14 | Statement of the Campaign to Protect Rural England |
| IP15 | Supplementary Statement of Mr L Barlow |
| IP16 | Statement of Mr C Brookes |
| IP17 | Statement of Mr D Cunliffe |
| IP18 | Statement of Dr G Kinghorn OBE MD FRCP |
| IP19 | Statement of the Friends of the Earth (England, Wales and Northern Ireland) |
| IP20 | Statement of Ms D Gibson |
| IP21 | Statement of Mrs C Whiting |
| IP22 | Statement of Mr J Drake |
| IP23 | Statement of Mr P Joynes |
| IP24 | Statement of Mrs Y Bramall |
| IP25 | Statement of Ms A Mosley |
| IP26 | Statement of Ms L Widdowson |
| IP27 | Statement of Mrs T Wright |
| IP28 | Statement of Ms E Biggin Marshall |
| IP29 | Statement of Mr T Johnson |
| IP30 | Statement of Mrs J Johnson |
| IP31 | Statement of Mr L Marston |
| IP32 | Statement of Mr G Littler |
| IP33 | Statement of Ms M Havard |
| IP34 | Statement of Mr J Burgess |
| IP35 | Statement of Mr D Wigg |
| IP36 | Email from Mr P Rowland (3 May 2018) |

Submitted Following the Inquiry

IP37

Email from Bondhay Golf Club (9 May 2018)

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision. The local planning authority shall be notified in writing of the date of commencement at least 7 days prior to that date.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

P304-S2-PA-00 Rev A Strategic Location Plan

P304-S2 -PA-01 Rev G Application Site Plan

P304-S2-PA-04 Rev C Existing Ground Plan

P304-S2-PA-05 Rev B Proposed Site Entrance & Highway Works

P304-S2-PA-06 Rev C Proposed Site Layout Plan - Construction

P304-S2-PA-07 Rev F Proposed Site Layout Plan - Drilling Stage

P304-S2-PA-08 Rev B Proposed Site Layout Plan - Listening Stage

P304-S2-PA-09 Rev B Proposed Site Restoration

P304-S2-PA-10 Rev B Proposed Lighting Plan - Drilling & Coring

P304-S2-PA-11 Rev B Proposed Drainage Plan

P304-S2-PA-12 Rev B Proposed Site Layout Plan - Suspension

P304-S2-PA-13 Rev B Proposed Internal Access Plan

P304-S2-PA-16 Rev A Proposed Sections & Details

P304-S2-PA-17 Rev B Proposed Site Layout Plan - Possible Workover

P304-S2-PA-21 Rev A Parameter Sections - Develop. & Establish

P304-S2-PA-22 Rev A Parameter Sections - Drilling & Coring

P304-S2-PA-23 Rev A Parameter Sections - Suspension

P304-S2-PA-24 Rev A Parameter Sections - Workover of Well

P304-S2-PA-25 Rev A Parameter Sections - Listening Stage

P304-S2-PA-26 Rev A Parameter Sections – Abandonment

P304-S2-PA-30 Rev A Heras Fence Details

P304-S2-PA-31 Lighting Examples

- 3) A copy of these conditions, together with the approved plans and any details or schemes subsequently approved pursuant to this permission, shall be kept at the site office for the development at all times, and the terms and contents thereof shall be made known to the supervising staff on the site.
- 4) The development hereby permitted shall be for a limited period, being the period of five years from the date of commencement,

as notified under condition 1. The site shall thereafter be cleared of all plant, buildings, machinery and equipment and the land restored in accordance with condition 28.

- 5) No development shall take place until passing places have been provided on Common Road, Packman Lane and Bondhay Lane between the A619 and the site access in accordance with details that have been submitted to, and approved in writing by, the local planning authority.
- 6) No development shall take place until a Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved plan.
- 7) No development shall take place until details of a photographic dilapidation survey of the sections of Packman Lane and Common Road to be used by development traffic has been undertaken and submitted to, and approved in writing by, the local planning authority. A scheme for the repair of any damage incurred as a direct result of site traffic using Packman Lane and Common Road, which shall include a delivery mechanism and programme for the works, shall be submitted to the local planning authority, for approval in writing, within 14 days of being requested. The approved scheme shall thereafter be implemented in full.
- 8) No development shall take place until a Noise Management Plan has been submitted to, and approved in writing by, the local planning authority. The plan shall include:
 - i) data from the relevant manufacturers' noise tests for each item of noise-emitting plant to be used on site, to establish whether noise emissions are likely to be compliant with the noise limits set out in condition 20;
 - ii) if noise-emitting plant is not likely to be compliant, details of what mitigation would be introduced and timescales for mitigation implementation;
 - iii) procedures for addressing any complaints received;
 - iv) details of a Noise Monitoring Scheme, including a mechanism to address any non-compliance with the noise limits set out in condition 20;
 - v) management responsibilities including operator training, compliance response and investigation, and routine environmental noise monitoring and reporting; and
 - vi) methods to determine whether noise is free from tonal, intermittent or impulsive characteristics, the incorporation of these methods in the Noise Monitoring Scheme and a mechanism for the setting of any necessary noise limits and weighting together with any mitigation, including approval in writing by the local planning authority.

Development shall be carried out in accordance with the approved plan.

- 9) No development shall take place until details of the measures to prevent the deposit of mud, clay and other deleterious materials upon the public

highway have been submitted to, and approved in writing by, the local planning authority. The measures shall include as appropriate:

- i) the sweeping and cleaning of internal access roads;
- ii) the provision and use of wheel-cleaning facilities;
- iii) the provision and use of lorry sheeting;
- iv) the use of a mechanically propelled road sweeper on the public highway; and
- v) a timetable for providing the above.

Development shall be carried out in accordance with the approved measures. In the event that the measures do not adequately prevent the deposit of mud, clay and other deleterious materials upon the public highway then, within 7 days of a written request from the local planning authority, a scheme of revised and timetabled additional measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the local planning authority for its approval in writing. Following any approval, development shall thereafter be carried out in accordance with the approved revised and timetabled additional measures.

- 10) No development, apart from that required to provide site access sight lines, shall take place until sight lines have been provided, in accordance with drawing no. P304-S2-PA-05 Rev B. The areas within the sight lines shall be cleared and be kept clear of all obstructions to visibility in excess of 900mm in height measured above the nearside carriageway channel level.
- 11) No development shall take place until verification surveys for the presence of protected species on the site, and within the 30m buffer area, have been undertaken and the results submitted to, and approved in writing by, the local planning authority. If protected species are found on the site and buffer area which would be likely to be affected by the development, no development shall take place until mitigation measures have been submitted to, and approved in writing by, the local planning authority. Development shall thereafter be carried out in accordance with the approved mitigation measures.
- 12) No development shall take place until a Dust Management Plan, detailing a programme of measures to minimise the spread of airborne dust from the site during the development, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved plan.
- 13) Notwithstanding condition 2, no development shall take place until details of the surfacing and drainage of on-site vehicular areas have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 14) No development, including any groundwork, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) to the local planning authority which has subsequently been approved in writing. The WSI shall set out a strategy for archaeological investigation to include:

- i) a programme and method of site investigation and recording;
- ii) a requirement to seek the preservation in situ of identified features of importance;
- iii) a programme for post-investigation assessment;
- iv) provision for analysis and reporting;
- v) provision for the publication and dissemination of results;
- vi) provision for the deposition of the archive created;
- vii) nomination of a competent person, persons or organisation to undertake the works; and
- viii) a timetable for completion of all site investigation and post-investigation works.

No development, including any groundworks but excluding any work associated with the approved WSI, shall take place until the local planning authority has confirmed in writing that the relevant pre-commencement requirements of the WSI have been fulfilled. The development shall be undertaken in accordance with the approved WSI.

- 15) No development shall take place until a scheme to convene and operate a Community Liaison Group has been submitted to, and approved in writing by, the local planning authority. The scheme shall include measures to seek membership from the local planning authority and the local community. The scheme shall be implemented as approved and as far as practicable, unless otherwise approved in writing by the local planning authority.
- 16) If the development hereby permitted does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of this decision, the approved ecological measures secured through Condition 23 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to establish if there have been any changes in the presence and/or abundance of protected species and identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that would be likely to result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new or amended measures, together with a timetable for their implementation, shall be submitted to, and approved in writing by, the local planning authority prior to the commencement or re-commencement of the development. The development shall thereafter be carried out in accordance with the approved new or amended ecological measures and timetable.
- 17) The development hereby permitted shall take place only between the following hours, except in the case of an emergency.

Non-Drilling Works

Monday to Friday – 07.00 to 19.00

Saturdays – 07.00 to 13.00

Sundays, Public and Bank Holidays – Not at any time

Drilling Works - including the assembly and demobilisation of the drilling rigs

Monday to Friday - 24 hours

Saturdays - 24 hours

Sundays, Public and Bank Holidays - 24 hours

- 18) HGV movements accessing and leaving the site along Common Road, Packman Lane and Bondhay Lane shall only take place between 07.00 and 19.00 Monday to Friday and 07.00 to 13.00 on Saturdays and not at any time on Sundays or on Bank or Public Holidays, except in the case of an emergency.
- 19) No hedgerows shall be trimmed, laid or removed and no vegetation shall be removed during the bird-breeding season between 1 March and 31 August inclusive, unless they have been previously checked and found clear of nesting birds in accordance with Natural England guidance. If appropriate, an exclusion zone shall be set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.
- 20) The level of noise during the construction set-up and restoration activities hereby permitted, as measured at any noise sensitive receptor, shall not exceed 55dB LA_{eq 1hr} (free field) between 07.00 and 19.00hrs, 44dB LA_{eq 1hr} (free field) between 19.00 and 22.00hrs and 42dB LA_{eq 1hr} (free field) at any other time. The level of noise during any other activities hereby permitted, as measured at any noise sensitive receptor, shall not exceed 50 dB LA_{eq 1hr} (free field) between 07.00 and 19.00hrs, 44dB LA_{eq 1hr} (free field) between 19.00 and 22.00hrs and 42dB LA_{eq 1hr} (free field) at any other time. The local planning authority shall be notified in writing of the dates of completion of the construction set-up activities, within 7 days of that date, and the commencement of restoration activities, at least 7 days prior to that date.
- 21) All reversing warning alarms fitted to vehicles and plant based at the site shall be of a 'white noise' or similar low intrusion type.
- 22) Any contamination that is found during the course of the development hereby permitted that was not previously identified shall be reported to the local planning authority as soon as is reasonably possible. Development shall be suspended and a risk assessment carried out and submitted to, and approved in writing by, the local planning authority before the development is resumed, unless otherwise approved in writing by the local planning authority. Where unacceptable risks are found, a remediation strategy shall be submitted to, and approved in writing by, the local planning authority. The approved strategy shall be implemented before the development is resumed.
- 23) The development hereby permitted shall be carried out in accordance with the recommendations of the ecology report contained in the Environmental Report submitted with the application and any subsequent assessment work undertaken.
- 24) Notwithstanding condition 2, the gradient of the site access from Common Road shall be no steeper than 1 in 15 for the first 10m

measured from the nearside highway boundary. Drainage measures shall be implemented, retained and maintained during the development to prevent the flow of surface water from the access onto the adjacent highway.

- 25) Notwithstanding condition 2, no external lighting shall be utilised in respect of any phase of the development hereby permitted until details of all external lighting for that phase have been submitted to, and approved in writing by, the local planning authority. The submitted details shall substantially accord with the lighting report submitted with the planning application. The submitted details shall also have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals and "Bats and Lighting in the UK", the Bat Conservation Trust & Institute of Lighting Engineers (2009), Bats and the Built Environment Series BCT. The approved lighting details for any phase shall be implemented in full before the lighting for that phase is first used, and the approved lighting shall be retained for the duration of that phase, unless otherwise approved in writing by the local planning authority.
- 26) No drilling operations shall take place until details of the make, model and technical noise specification for the drilling rigs to be used in the development hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.
- 27) No drilling operations shall take place until space has been laid out within the site, in accordance with drawing no. P304-S2-PA-13 Rev B, for vehicular parking and turning facilities, and that space shall thereafter be kept available for parking and turning for the duration of the permission.
- 28) Notwithstanding condition 2, no restoration shall take place until a detailed Restoration Plan has, within the period of this permission, been submitted to the local planning authority for approval in writing. The plan shall substantially accord with the measures set out in the Proposal document, submitted to the local planning authority on 30 May 2017 and drawing no. P304-S2-PA-09 Rev B and shall include a timetable for implementation. The approved plan shall thereafter be implemented in full. The local planning authority shall be notified within 7 days of when the restoration works are complete, to allow the local planning authority to issue written confirmation that the restoration has been completed satisfactorily.
- 29) Any replacement hedgerow planted as part of the approved Restoration Plan shall thereafter be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of planting protection measures.
- 30) Within three months of the issue of the local planning authority confirmation of the completion of the restoration works, a scheme for the aftercare of the site for a period of five years, to promote the agricultural after-use of the site, shall be submitted to the local planning authority for

approval in writing. The approved scheme shall thereafter be implemented in full.
