

## PLANNING REGULATORY BOARD

Date:- Thursday, 6 December 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 15th November, 2018 (herewith) (Pages 2 - 3)
6. Deferments/Site Visits (information attached) (Pages 4 - 5)
7. Development Proposals (herewith) (Pages 6 - 35)
8. Report of the Assistant Director of Planning Regeneration and Transport (herewith) (Pages 36 - 40)
9. Updates
10. Date of next meeting - Thursday, 10th January 2019 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, Sansome, Steele,  
John Turner, Tweed, Walsh and Whysall.



**SHARON KEMP,**  
Chief

**Executive.**

# Planning Regulatory Board 'Public Right To Speak'

## REGISTERING TO SPEAK

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

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

## WHEN YOU ARRIVE

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

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

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

The Council Chamber is equipped with microphones and a hearing loop

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

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

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

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

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

## **YOUR RIGHT TO SPEAK**

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

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

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

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

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

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

## **CONDUCT OF COMMITTEE MEETINGS**

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

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

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING BOARD**

**MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

**1. Disclosable Pecuniary**

**2. Personal**

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

*(Please continue overleaf if necessary)*

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

Signed:- .....

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

**PLANNING BOARD**  
**15th November, 2018**

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, Fenwick-Green, Sansome, Short, Steele, John Turner, Walsh, Whysall and Williams.

Apologies for absence:- Apologies were received from Councillors Andrews, D. Cutts, M. Elliott and Tweed.

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

**53. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**54. MINUTES OF THE PREVIOUS MEETING HELD ON 25TH OCTOBER, 2018**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 25<sup>th</sup> October, 2018, be approved as a correct record for signature by the Chairman.

**55. DEFERMENTS/SITE VISITS**

No site visits or deferments were requested.

**56. 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 application RB2018/1202 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2018/1231 be granted for the reasons adopted by Members at the meeting, subject to the relevant conditions listed in the submitted report and further subject to an amendment to the list of approved plans in Condition 2 to include the following:-

- 18-564-Site/18-564-P12/18-564-P13/18-564-P18 Topographical Survey (Received 06/08/2018) original application.
- 18/564/9B/18/464/11C sent 19/10/18.

**PLANNING BOARD - 15/11/18**

- 18-564-P9 Rev B/18-564-C11 Rev C/18-564-P14 Rev A/18-564-P15 Rev A/ 18-564-P16A/18-564-P19B/18-564-C20B sent 24/10/18.

**57. UPDATES**

The following update information was provided:-

- The Judicial Review hearing for the application relating to the construction of a well site on land adjacent to Common Road, Harthill, Rotherham (RB2017/0805) was now scheduled to be heard in Leeds Court on 25<sup>th</sup> January, 2019 and not in London as initially indicated.

Resolved:- That the information be noted.

**58. DATE OF NEXT MEETING - THURSDAY, 6TH DECEMBER, 2018 AT 9.00 A.M.**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 6<sup>th</sup> December, 2018 at 9.00 a.m.

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

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

## SITE VISITS

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



**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 6 DECEMBER 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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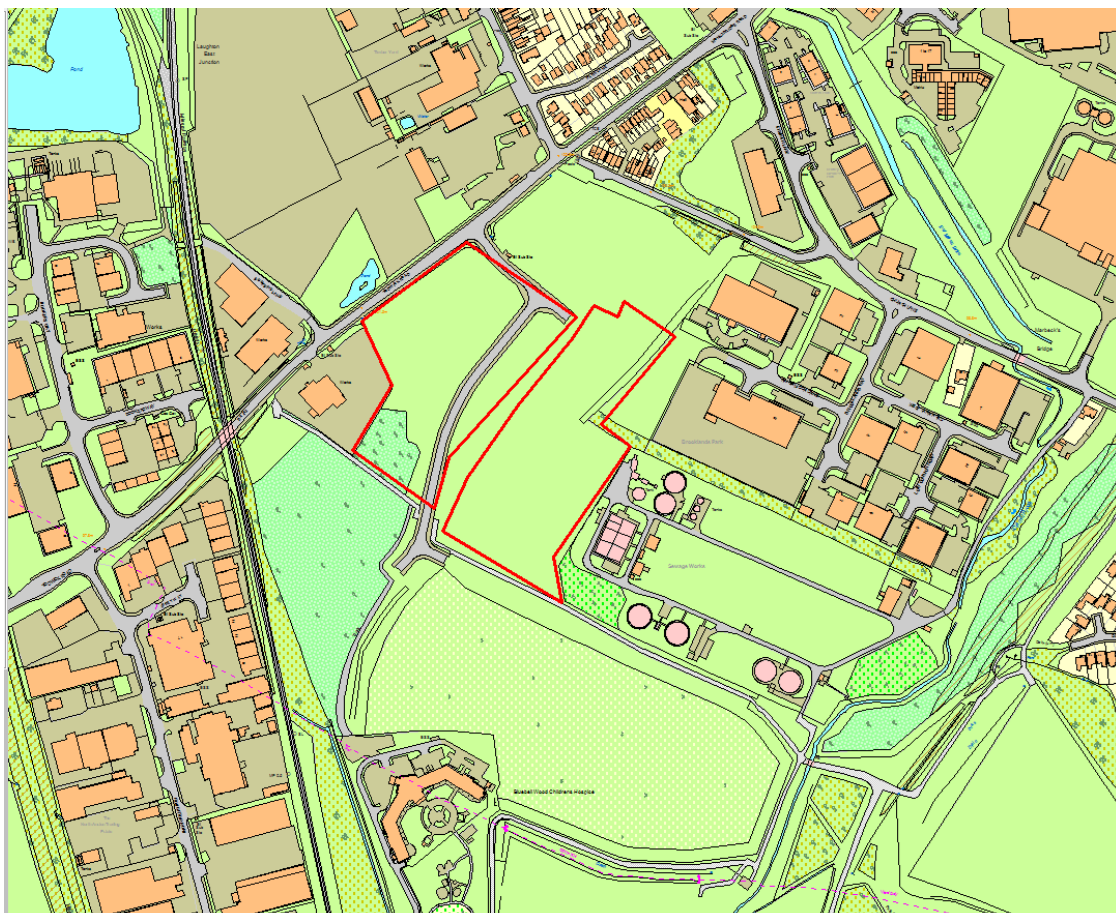
<b>RB2018/0909 Erection of 7 No buildings for use classes B1(b&amp;c), B2 and B8 with associated service yard, car parking, boundary fencing and substations at Land at Todwick Road Dinnington for E.V. Waddington Ltd</b>	<b>Page 7</b>
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**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
6 DECEMBER 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.

<b>Application Number</b>	<b>RB2018/0909</b>
<b>Proposal and Location</b>	<b>Erection of 7 No buildings for use classes B1(b&amp;c), B2 and B8 with associated service yard, car parking, boundary fencing and substations at Land at Todwick Road Dinnington</b>
<b>Recommendation</b>	<b>Grant Conditionally</b>

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 is undeveloped and is located centrally in the wider employment site known as East 31, and is reclaimed from the former Dinnington Colliery site.

The site is in two sections with the adopted access road through the centre. The site is bounded by Todwick Road to the west, with other undeveloped land to the north, east and south.

There are houses beyond the wider employment site to the north on Church Lane, with other surrounding uses being commercial in nature.

The site is relatively level, and is overgrown with self-set grass/srubs, there are some trees along the Todwick Road frontage with a few other trees and hedgerows around the site.

### **Background**

#### Relevant Planning History

RB2008/1562 – Formation of new access road – granted conditionally 20/11/08

RB2004/1346 -Outline planning permission has been granted for mixed use development of the former colliery site including the following use classes B1 Use (excluding offices) B2 General Industry and B8 Storage and Distribution

RB2002/1696 - Layout of roads and sewers to facilitate development of land for Class A2 (Financial and Professional Services), B1 (Business), B2 (General Industrial), B8 (Storage and Distribution), C1 (Hotels), D1 (Non-residential Institutions) & D2 (Assembly and Leisure) purposes, and use of land for amenity open space and willow coppicing – granted conditionally 02/07/04

RB2002/1516 - Reclamation and restoration of former colliery site to a form suitable for future employment, amenity and recreation uses – granted conditionally 31/03/03

RB1999/1584 - Relocation of 300,000 cubic metres of colliery spoil to infill the rail cutting and place on main tip – granted conditionally 07/06/00

RB1996/0587 - Infilling of former colliery railway cutting with imported inert waste – granted conditionally 27/06/96

#### Environmental Impact Assessment

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

### **Proposal**

The applicant seeks full planning permission for the erection of 7 commercial units to be used for B1(b research and development &c light industry), B2 general industrial and B8 warehouse use with and associated yard, parking, roadways, fencing, sub stations and landscaping.

The buildings are to be developed on a speculative basis, and can be sub-divided to provide up to 27 units. The application covers two areas separated by an adopted road. The western section of the site shows three buildings of approximately 7,050sqm, with the eastern plot having four buildings with a floor area of 11,300sqm. The scheme includes the erection of two sub stations. Car parking is to be provided within service yards within dedicated parking areas with a total of 342 car parking spaces and 64 cycle spaces.

There is a landscape buffer proposed along Todwick Road and around boundaries of the application site. The site will be fenced by 2.4m high black weld mesh fencing.

Materials are proposed to be both profiled and flat metal cladding with a coloured outer face. The predominant colours will be grey and blue on the western site and grey and green on the eastern site. The doors will be powder coated to match the cladding.

The application is supported by the following documents –

### Design and Access Statement –

This sets out the design principles of the proposal and details access arrangements. It concludes that the proposal accords with local planning policy and the intended use of the site.

### Flood Risk Assessment –

This sets out that the site is within Zone 1 as shown on the Environment Agency's Flood Map and is not at significant risk of flooding from any source..

### Land Contamination Survey

It is concluded that the site does not contain any significant and/or widespread contamination sources. The risk to human health is therefore considered low with no specific environmental remediation required.

### Transportation Statement -

This concludes that the traffic generated by the proposed development can be satisfactorily accommodated on the local highway network without the need for any mitigation measures. The impact of the development is not 'severe' and there are therefore no transport reasons why the proposals should not be granted planning permission.

### Ecology Survey –

This proposes enhancements to include:

- Tree and shrub planting to include native species.
- The provision of bat roosting and bird nesting boxes within the proposed buildings.
- Any external lighting to be designed to ensure lights are angled downwards.
- A Wildlife refuge and Woodpile habitat.

### Noise Report –

This concludes that assessment of impact indicates an adverse impact, and that is to be expected, given that there are currently no activities on the site. The actual sound levels at the identified noise sensitive areas are low, by virtue of the reasonable distance involved (130 to 190 metres) and some degree of acoustic screening from buildings. Given that, and the general commercial / industrial character of the surrounding area and noise climate, it should be reasonable to permit night time vehicle servicing operations without specific restrictions. When assessed using the Planning Practice Guidance, this would equate to 'no observed adverse effect'.

### Framework Travel Plan –

This states that the individual businesses will prepare Travel Plans the key aim being to –

- Encourage sustainable travel choice by increasing walking, cycling and the use of public transport.
- Reduce traffic speeds and improve road safety and personal security.
- Consider more environmentally friendly delivery and freight movements, including home delivery services.

#### Air Quality Assessment –

This identifies mitigation measures which could be provided throughout the development to mitigate the impact of the development.

#### **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted on 27<sup>th</sup> June 2018) which replaces the Unitary Development Plan (UDP) that has now been superseded.

The application site is allocated for Industrial and Business Use within the Local Plan (Site Allocation E14). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS9 Transforming Rotherham's Economy
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS23 Valuing the Historic Environment
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk
- CS26 Minerals
- CS27 Community Health and Safety
- CS28 Sustainable Design
- CS30 Low Carbon & Renewable Energy Generation
- CS33 Presumption in Favour of Sustainable Development

The Sites and Policies Document – June 2018:

- SP1 Sites Allocated for Development
- SP16 Land Identified for Industrial and Business Uses
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP35 Protected and Priority Species
- SP36 Soil Resources
- SP42 Archaeology and Scheduled Ancient Monuments
- SP47 Understanding and Managing Flood Risk and Drainage
- SP52 Pollution Control
- SP54 Contaminated and Unstable Land
- SP55 Design Principles
- SP56 Car Parking Layout

SP57 Sustainable Construction

Joint Waste Core Strategy  
WC27 Managing Waste in all Development

### **Other Material Considerations**

Council's Car Parking Standards.

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

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

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

### **Publicity**

The application was advertised in the press, on site and by individual neighbour letters though no letters of objection have been received

### **Consultations**

RMBC – Transportation Infrastructure Service: No objections subject to relevant conditions

RMBC - Tree Service Manager: No objections subject to relevant conditions

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

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

RMBC – Ecologist: No objections subject to relevant conditions

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

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

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

Highways England: No objections

South Yorkshire Archaeological Service: No objections

Severn Trent Water: No objections

Environment Agency: No objections subject to an informative.

## **Appraisal**

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

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

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

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole" (footnotes omitted).*

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

- The principle of the development
- Design, layout and scale
- Transportation issues
- Drainage and flood risk issues
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Impact on existing/proposed residents.
- Heritage issues

### The principle of the development

Policy SP1 'Sites Allocated for Development' sets out sites that are allocated for development and contribute to meeting requirements, and refers to 'Site development guidelines' which identify specific principles for these sites, which should be taken into consideration in any proposed development. The proposed site is identified as site allocation E14 and the relevant site development guidelines for this site will be discussed in more detail below.

Policy CS1 'Delivering Rotherham's Spatial Strategy' state, in part, that: *"Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. The Core Strategy identifies Dinnington as a principal settlement for growth". Dinnington is a Principle settlement for growth which, along with Anston and Laughton Common, is to provide 38 hectares of employment land."*

Policy CS3 'Location of New Development' states, in part, that: *"In allocating a site for development the Council will have regard to relevant sustainability criteria, including its (amongst other things): a. status as previously-developed (brownfield) land; c. access to public transport routes and the frequency of services; d. potential to relieve deprivation; f. effect on other environmental matters; g. potential to maintain and create links to green infrastructure."*

Policy SP16 'Land Identified for Industrial and Business Use' states: *"Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposals satisfy the requirements of Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy. Other uses will be considered on their merits in line with Policy SP17 'Other Uses within Business, and Industrial and Business Areas.'"*

The application proposal is for B1(b research and development & c light industrial) B2 (industrial) or B8 (storage and distribution) on this site which is allocated for Industrial and Business use within the adopted Local Plan. In accordance with policy SP16, B1(b) & (c), B2 and B8 uses are permitted in principle. Whilst the proposal is speculative in nature it is considered that the proposal is acceptable in principle and will contribute towards employment growth targets in the locality. In this respect the proposal is considered to comply with the above relevant Local Plan policies.

### Design, layout and scale

Policy CS28 'Sustainable Design' states, in part, that: *"Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."*

*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.*

*Development proposals will be expected to secure sustainable design and construction, ensuring the flexibility and adaptability of new development and increasing the energy and water efficiency of buildings.*

*In preparing development proposals for new build, refurbishment and extensions to existing buildings, consideration should be given to the inclusion of sustainable drainage schemes, grey water recycling, green and brown roofing and walls, landscaping and connectivity to ecosystems. Provision should be made for sustainable waste management.*

*Design should take all opportunities to improve the character and quality of an area and the way it functions.*

*The design process shall take into account:*

*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.”*

*SP55 ‘Design Principles’ states that “All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings. Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:*

- a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development;*
- b. that an assessment of local building materials, their colour and architectural detailing has been undertaken and submitted with the application;*
- c. the use of appropriate materials and landscaping and utilisation of natural features, such as topography, watercourses, trees, boundary treatments, planting and biodiversity to create visually attractive high quality development;*
- d. proposals reinforce and complement local distinctiveness and create a positive sense of place; public art should be incorporated into proposals where appropriate;*
- e. the legibility and permeability of development to promote ease of movement, the creation of safe, secure and accessible environments and provide clear distinction between public and private spaces - lighting of the public realm and the built development will be particularly important;*
- f. the provision of satisfactory arrangements for the storage and collection of refuse, recyclable materials and garden waste to enable easy and convenient recycling and composting;*
- g. the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing;*
- h. the need to optimise the potential of sites to accommodate development which could, in appropriate instances, involve maximising densities;*

*i. new public and commercial developments are encouraged to include baby changing facilities, breast feeding facilities and accessible 'Changing Places' toilet facilities in addition to standard accessible toilets.*

*All development proposals must have regard to the presence of sensitive land uses and be designed in such a way that the amenity of any land use and the specific characteristics of the sensitive area are not adversely affected.*

*Design and Access Statements, and where appropriate detailed masterplanning, will be expected to encompass these broad aims and principles and have regard to the Building for Life toolkit, or the most up to date guidance. Applicants are strongly encouraged to demonstrate an appropriate level of community engagement in their preparation; to comprehensively consider health and equalities impacts and safety and security issues and, clearly demonstrate through their submission, how these issues and any impacts arising, have influenced the final design solution."*

CS30 'Low Carbon & Renewable Energy Generation' states that:

*"1 Energy*

*Developments should seek to reduce carbon dioxide emissions through the inclusion of mitigation measures in accordance with the following energy hierarchy:*

- a. Minimising energy requirements through sustainable design and construction;*
- b. Maximising Energy Efficiency;*
- c. Incorporating low carbon and renewable energy sources.*

*Developments will be supported which encourage the use of renewable, low carbon and decentralised energy. All development should achieve, as a minimum, the appropriate carbon compliance targets as defined in the Building Regulations."*

SP 57 'Sustainable Construction' states that: *"To enable high quality, functional and sustainable design to be clearly embedded in future development, proposals will need to be designed to withstand and adapt to the predicted impacts of climate change. The evidence supporting the planning application should be proportionate to the scale of the development and:*

- a. identify how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;*
- b. meet the relevant BREEAM 'very good' standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable;*
- c. demonstrate how the installation of integrated renewable and low carbon energy technologies in new and existing non-residential developments, in order to off-set CO2 emissions and mitigate the impacts of climate change, has been assessed and included within the development unless it can be demonstrated that it would not be technically feasible or financially viable. These could include (but are not limited to):*
  - i. solar thermal*
  - ii. solar photovoltaic*
  - iii. biomass boilers*
  - iv. ground source heat pump*
  - v. wind turbines*
  - vi. combined heat and power schemes & associated infrastructure*

*This policy should be read in conjunction with Policy WCS 7 'Managing waste in all developments' of the Barnsley, Doncaster and Rotherham Joint Waste Plan (March 2012) regarding the management of waste products arising from the development and future occupation and Policy SP 36 'Soil Resources'.*

The application proposes 7 commercial building situated over the two sections of the application site. Car parking is provided for each until within the layout.

The design of the buildings are considered to be appropriate on this site, and the proposed landscaping scheme provides some screening and softens its appearance, especially from the main road. The use of high quality materials will also assist in providing an appropriate development on this site with the proposed materials providing a modern and contemporary finish.

In relation to the BREEAM Assessment the applicant has agreed to a condition to be attached to the permission requiring the building to achieve BREEAM Very Good standard, or to submit technical/financial viability information to demonstrate why it cannot do so.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design to comply with the relevant Local Plan policies above.

#### Transport issues

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

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

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

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

*Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access.”*

SP 56 ‘Car Parking Layout’ states that: *“In terms of car parking, layouts must be designed to:*

- a. reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street;*
- b. discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway; and*
- c. ensure in-curtilage / on plot parking does not result in streets dominated by parking platforms to the front of the property or large expanses of garage doors fronting the street.”*

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

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

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

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

The application was originally submitted with a Transport Statement and the applicant was asked to carry out further modelling in relation to the A57/Todwick Road roundabout by the Council’s Highway Officer. The applicant has submitted further information to reaffirm their position regarding the impact additional vehicular trips will have on the operation of the roundabout which they consider to be minimal. After receiving the information the Council’s Transportation Unit accepts the applicant’s conclusion that the vehicular trips associated with the proposed development would likely have a minimal impact upon the operation of the roundabout.

Additionally Highways England has assessed the proposal and raises no objection in terms of highway safety.

The application proposes 342 car parking spaces which are considered to be acceptable for the development proposed in this location. The proposal also includes undercover cycle storage for 64 cycles which is considered acceptable.

The proposal includes the submission of a travel plan to encourage sustainable modes of transport. There are bus stops on Todwick Road within walking distance which makes the site accessible.

It is therefore considered that the proposal is acceptable from a highway safety aspect and is in accordance with the above relevant Local Plan policies.

Drainage and flood risk issues

Policy CS24' Conserving and Enhancing the Water Environment' states: "*Proposals will be supported which:*

- a. *do not result in the deterioration of water courses and which conserve and enhance:*
  - i. *the natural geomorphology of watercourses,*
  - ii. *water quality; and*
  - iii. *the ecological value of the water environment, including watercourse corridors;*
- b. *contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies*
- c. *manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;*
- d. *improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,*
- e. *dispose of surface water appropriately according to the following networks in order of preference:*
  - i. *to an infiltration based system wherever possible (such as soakaways)*
  - ii. *discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)*
  - iii. *discharge to a public sewer."*

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

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

*"The Council will expect proposals to:*

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

Paragraph 163 of the NPPF notes in part that: "*When determining any planning applications, local planning authorities should ensure that flood risk is not increased*

*elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment."*

The application was supported by a Flood Risk Assessment and drainage details, as well as additional information submitted at the request of the Drainage Engineer. These details were considered to be acceptable, and to be in compliance with the above relevant Local Plan policies.

#### Ecology/Biodiversity matters

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

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

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

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

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

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

The application was supported by an Ecological Survey, which has been assessed by the Council's Ecologist who is happy that the assessment was undertaken at the correct time of year, and that relevant species have been identified within the report. Particular attention was given to the submitted reptile and amphibian surveys which are considered to have been undertaken in a thorough manner.

The Survey includes recommendations for mitigation measures and biodiversity enhancement measures, such as tree and shrub planting to include native species, sensitive lighting, bat and bird boxes, a wildlife refuge and woodpile habitat.

Policy SP36 'Soil Resources' states, in part, that *“Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority..... Built development should be designed and sited with an appreciation of the relative functional capacity of soil resources and threats to soils with the aim of preserving or enhancing identified soil functions. Measures to incorporate green space and sustainable drainage elements that retain permeable surfaces, allow water infiltration, reduce soil erosion and maintain natural soil functions will be supported. Measures that waste soil resource, reduce soil quality, compact or pollute soils or that create a predominantly impermeable surface should be avoided.”*

In this regard it is considered appropriate to attach a condition that requires the submission of details of the quality of soils on site and their movement and temporary storage during construction to ensure that the character of the soil is conserved.

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

#### Landscape and trees matters

CS19 'Green Infrastructure' states that *“Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas.*

*A net gain in Green Infrastructure will be realised through the protection and enhancement of existing assets and the creation of new multifunctional areas, assets and linkages to include promoting: recreation and tourism, public access (including walking and cycling), green education, biodiversity (incorporating the promotion of ecological networks and habitat connectivity), public health and wellbeing, water management, the protection and enhancement of the local and national landscape character area and historic assets, the mitigation of climate change, green economic uses and sustainable land management.*

*Action will be targeted to the safeguarding and enhancement of functions and assets of the Strategic Green Infrastructure Corridors and any future refinement work and the delivery of objectives and actions identified in local and sub-regional Green Infrastructure Strategies. This will include long term management and maintenance of these assets.*

*Developer contributions will be used to facilitate improvements through quality, robustness, establishment, enhancement, and the ongoing management of Rotherham’s Green Infrastructure, investing in enhancement and restoration where opportunities exist and the creation of new resources where necessary.*

*Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:*

- a. Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.*
- 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.*
- c. Investment in Green infrastructure will be prioritised to increase functionality of individual assets and safeguard existing functions, such as habitats for wildlife.*
- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.*
- e. Supporting ecosystem services, including the use and management of Green Infrastructure areas to reduce the impacts of climate change, using vegetation to cool the environment, provision of new open space to remedy the need for natural and semi natural flood storage and managing surface water to ensure landscape change impacted by climate change has long term benefits.*
- f. Promoting design which replicates or incorporates natural processes for river morphology and water storage along the regionally important rivers Don, Rother and Dearne.*
- g. Promoting innovative development which manages quantifiable risks such as flooding.*
- h. Assisting with the integration of new development into the natural and historic environment.”*

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

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

The application site is located within the Anston Brook / Sandbeck Green Infrastructure Corridor and the application has been supported by landscape details. It is considered that the existing planting and proposed landscaping will create an attractive roadside frontage along Todwick Road. The overall planting scheme is considered to be appropriate and will contribute positively to the development and the surrounding area.

A Tree Survey was submitted in support of the application which has been assessed by the Council’s Tree Service Manager who has no objection to the proposal in principle. He notes that whilst a tree protection plan has been submitted with the application, an accompanying method statement detailing, in chronological order, how tree protection measures will mitigate the damaging effects of on-site activities, should be submitted via a planning condition.

It is also noted that the planting plan includes Ash species which are currently banned, so these should be substituted.



It is therefore considered that the proposed landscape and tree details are generally acceptable, and are in compliance with the above relevant Local Plan policies.

General amenity issues – contaminated land, noise and air quality

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

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

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

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.*
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.*
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.*
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.*
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals."*

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

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse or ground water;*
- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;*
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;*
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use."*

In relation to noise impacts, the application was supported by a noise assessment. The proposal is for a speculative development for uses within Uses Classes B(b& c), B2 and B8, and for this reason the development has been assessed taking into account the worst case scenario. It is noted that the closest residential properties are located on Church Lane to the north, whilst Bluebell Wood Hospice is located to the south. As such there is potential for noise dis-amenity from associated activities during night time periods.

In this regard the Environmental Health Officers have recommended specific conditions to be attached to control any noise created at the site during night time hours. The site is currently vacant, and so the presence of new industrial development will create some noise and disturbance to local residents. However, with the recommended conditions to limit any noise generated from the site during night time hours, it is considered that the impact on residential amenity would not be significant on this allocated site, and as such the proposal is considered to be acceptable in this regard.

In respect of land contamination the applicants have submitted a Phase 2 Geo-Technical and Geo-Environmental Investigation Report which has been assessed by the Environmental Health Section. This Report indicated that the site was split into three separate zones, zone 1 – Infilled Borrow Pit area, zone 2 – Infilled railway cutting, Zone 3 remainder of site.

Zone 1 was found to have a ‘high wall’ which will require further investigation to determine appropriate foundation design. Also due to the high volume of Colliery Spoil some deposits of such materials could be at risk of smoldering or combusting if ignited. This will require mitigation. Asbestos has also been found in this area. Zone 2 will require further investigation to fully delineate the area. Zone 3 has areas of localised made ground.

In conclusion it is considered that conditions should be attached to require further detailed ground investigation to ensure that there are no risks from contamination which could impact on human health, and that the ground gassing regime is not significantly altered at the site.

In relation to Air Quality issues, an Air Quality Assessment has been submitted which looks at the Air Quality impacts of the proposal through the construction and operational phases on local air quality.

The construction of the development would have the potential to generate dust from construction activities and changes in air quality because of exhaust emissions from plant and construction vehicles. The main likely effects on local air quality during construction relates to dust. A range of measures to minimise or prevent dust would be implemented and it is considered that both prior to and following mitigation, the significance of residual impacts would be negligible.

In relation to the operational phase of the development it is considered appropriate for an Electric Vehicle Charging point to be provided for each of the 7 buildings proposed. The Council’s Air Quality Officer has assessed the submitted information and subject to the mitigation measures proposed has no objections. It is therefore considered that in relation to Air Quality issues the proposal is in accordance with the relevant Local Plan policies.

Impact on existing /proposed residents

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

The South Yorkshire Residential Design Guide (SYRDG) notes that: in respect of ensuring adequate levels of daylighting, distances should, as appropriate to specific circumstances, be limited by the 25 degree rule.

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

It is noted that there are existing residential properties situated on Church Lane approximately 135m from the site, and Bluebell Wood Hospice is located approximately 190m from the site.

The provision of commercial buildings on the site will have an impact on the outlook from the properties as well as general amenity, especially as the site is currently vacant with no built development present. However due to the separation distance between the houses, hospice and the proposed buildings, it is considered that the impact upon residents' amenity will not be significant.

In relation to the impact of the development in terms of noise and disturbance this is covered above and it is concluded that with suggested condition there would be no significant adverse impact on the residential amenity of the nearby occupiers.

Heritage issues

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

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

It is noted that the site is not located within or adjacent to a Conservation Area, nor is it located close to any Listed Buildings.

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

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

The site development guidelines require the proposal to be supported by a Heritage Statement for Archaeology. Whilst the application was not supported by a Heritage Statement, South Yorkshire Archaeology Service (SYAS) have commented that this area was considered during the archaeological assessment of local plan allocations and was assessed as having little or no archaeological potential. They therefore have no objections to the proposed development, and it is considered to comply with the above relevant Local Plan policies.

## **Conclusion**

The site is allocated for Industrial and Business Use within the Local Plan and it forms the Employment Site E14 and as such, the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, drainage, ecology and landscaping as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of generating employment within the Borough.

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

## **Conditions**

Article 35 of the Development Management Procedure Order 2015 requires that, where planning permission is granted subject to conditions, the decision notice must state clearly and precisely the full reasons: (i) for each planning condition; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. The reasons for each condition are provided below. Conditions numbered 09, 13, 14 & 25 of this permission are pre-commencement conditions (since they require matters to be approved before development works begin). These are justified as being pre-commencement conditions because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 09, 13, 14 & 25 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

## **General**

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) Proposed Site Layout Drawing No 42019/012 Rev B

- Building 1 (Units 1-4) Floor Plan & Elevations Drawing No. 42019/021 Rev A
- Building 2 (Units 5-8) Floor Plan & Elevations Drawing No. 42019/022 Rev A
- Building 3 (Units 9&10) Floor Plan & Elevations Drawing No. 42019/023 Rev A
- Building 4 (Units 11-13) Floor Plan & Elevations Drawing No. 42019/024 Rev A
- Building 5 (Units 14-17) Floor Plan & Elevations Drawing No. 42019/025 Rev A
- Building 6 (Units 18-21) Floor Plan & Elevations Drawing No. 42019/026 Rev A
- Building 7 (Units 22-27) Floor Plan & Elevations Drawing No. 42019/027 Rev A
- Landscape Masterplan Drawing No. TRD 04
- Planting Plan Drawing No. TRD 05
- Tree Protection Plan Drawing No. TRD 08
- Sub station details drawing No. 42019/13 Rev A
- Fence details – Profile Panel System

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 Local Plan Policy

04

The boundary treatment shall be provided on site in accordance with the approved Proposed Fence Layout Drawing No. 42019/012 Rev B before the development is brought into use.

Reason

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

Transportation/Sustainability

05

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

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

Reason

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

07

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

Reason

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

08

Details of 1 electric vehicle charging point for each building and the timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable.

Reason

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

General Amenity

09

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of the quality of soil and its movement and temporary storage during construction
- details of proposed hours of construction on/deliveries to the site; and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

10

Operations at the site shall not exceed a free-field noise level of 60dB LAmax and 45dB LAeq, 15mins at 1m outside bedrooms of noise sensitive dwellings from any outdoor activity that takes place on site between 23:00- 07:00 Monday to Sunday

Reason

To protect the amenity of nearby residents in accordance with relevant policies within the Local Plan.

11

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 by a competent person and shall detail any mitigation measures, physical or operational, to achieve a rating noise level which does not exceed the background noise level. Any mitigation measures identified in the report shall thereafter be implemented in their entirety and retained for the life time of the development.

Reason

To protect the amenity of nearby residents in accordance with relevant policies within the Local Plan

12

Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how the lighting meets the guidance provided by The Institute of Lighting engineers in their document 'Guidance Notes for the Reduction of Light Pollution'. The approved lighting details shall be implemented throughout the lifetime of the development.

Reason

To protect the amenity of the local residents from any unwanted light.

Contaminated Land

13

Prior to the commencement of the development details of further Intrusive Site Investigation shall be undertaken to confirm the contamination status and ground gassing regime across the site and to determine fully the geotechnical constraints previously identified shall be submitted to and approved in writing by the Local Planning Authority. The scope for investigation works shall be submitted to the Local Planning Authority for approval prior to any investigation works commencing. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority and the approved details shall be implemented on site.

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

Reason

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

14

Subject to condition 13 above and prior to the commencement of development a Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall be of such a nature as to render harmless any 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 accordance with the findings identified within the Phase II Intrusive Investigation Report and under a full 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 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.

15

In order to minimise the risk from soils identified with high calorific values (with potential to combust), all heavily loaded electricity supplies within trenches will need to be isolated from the made ground materials and sealed to prevent any air ingress. These works will need to be validated and confirmed in the format of a Verification Report to be submitted to and approved in writing by the Local Planning Authority.



Reason

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

16

Buried concrete for the site should be designed to a design sulphate classification of DS-1 for natural ground and DS2 for made ground. A corresponding ACEC class of AC-2 should be considered for made ground across Zones 2 and 3 and an ACEC class of AC-3z in the upper made ground in Zone 1 and AC-1 in the natural ground.

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 condition 13 above, in the event that gas protection measures are still required for any new builds then a detailed specification of the gas protection measures to be installed shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented.

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

If subsoils/topsoils are required to be imported to site for any phase of development for remedial works/areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be submitted in the format of a Validation Report to the Local Planning Authority. The approved details shall be implemented on site.

Reason

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

19

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

Reason

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

20

Following completion of any remedial/ground preparation works a Validation Report shall be submitted to the Local Planning Authority for approval. 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. Each phase of 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.

21

Prior to development suitable water supply (barrier) pipes will need to be specified and approved in writing by the Local Planning Authority to ensure resistance from chemical attack from residual contaminants remaining in the made ground. PE, PVC and Wrapped Steel pipes have been identified as being unsuitable for the site.

Reason

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

Ecology

22

Prior to the commencement of any over ground development details of the mitigation and enhancement measures identified in the submitted Ecological Impact Assessment and Reptile Survey, along with timescales for implementation, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented and maintained in accordance with the approved timescales.

Reason

To ensure that the biodiversity interest on the site is protected and enhanced in accordance with the Local Plan.

## Landscaping and Trees

23

Prior to commencement of any above ground 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.
- 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 the Local Plan.

24

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 the Local Plan.

25

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement,

aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.

- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A Tree protection plan in accordance with BS5837 detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces, (minimum scale of 1:200)
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

### Drainage

26

Prior to commencement of any above ground development 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, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

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

### Reason

To ensure that the development can be properly drained in accordance with the Local plan and the NPPF.

27

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 the Local plan and the NPPF.

28

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 and will be safe from flooding in accordance with the Local plan and the NPPF.

Sustainability

29

The building hereby approved shall be designed and constructed to achieve BREEAM Very Good rating as a minimum unless it can be demonstrated that it would not be technically feasible or financially viable.

Reason

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

**Informatives:**

01 General Amenity

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

02 Traffic management

A 5-10mph speed limit should be introduced across the site. As there are no restrictions on the amount of vehicles entering and exiting the site, introducing and confirming this speed limit would reduce any potential noise issues from the acceleration and deceleration of the vehicles across the whole of the site, particularly overnight between 23.00hrs-07.00hrs

### 03 Ecology

It is recommended that the removal of suitable nesting habitat be undertaken outside of the bird nesting season of March-August inclusive. If this is not possible, then vegetation removal must be preceded by an inspection by a suitably qualified ecologist. If any nesting birds are present, a minimum 5 m buffer zone will be established, and disturbing works will be delayed until the young have fledged and are no longer dependent on the nest.

### 04 Trees

Since the onset of Ash Dieback in the UK a restriction has been in place banning the import, sale and transportation of all ash trees not under a strict licence. The tree service would like to see a proportionate substitution on a one to one basis as to maintain the purposed planting numbers. Adequate substitutions would reach a mature height in excess of 10m with a fairly open crown, Zelkova serrata or Liquidambar styraciflua would make good alternatives.

### 05

#### Land Contamination

If any major earth movements are required they shall be undertaken in accordance with a detailed earthworks/materials management plan to be submitted to and approved in writing by the Local Planning Authority to ensure that the geotechnical and contamination risks are managed appropriately.

### 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.

To the Chairman and Members of the  
PLANNING REGULATORY BOARD

Date 6 DECEMBER 2018

Report of the Director of Planning and Regeneration Service

ITEM NO.    SUBJECT

1            **Development Management Performance Report 2018**

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE  
6 DECEMBER 2018

## Item 1

### Development Management Performance Report 2018

#### Recommendation

That the contents of the report be noted.

#### Background

The purpose of this report is to inform Members of the current performance of the Development Management team.

#### Facts and Figures

Performance statistics for Development Management (DM) are measured around the speed of decision making for the three different types of application categories (Major, Minor and Other). Nationally the Government has set minimum standards for the time allowed to deal with these types of applications. These are currently set at:

#### Government Targets

Major	60% of applications to be determined within 13 weeks
Minor	65% of applications to be determined within 8 weeks
Other	80% of applications to be determined within 8 weeks

As part of our continued improvement programme, DM has consistently surpassed these figures and continues to set itself high standard targets to ensure that the service is efficient, accountable and reflects our desire to be one of the top performing planning teams in the Country.

Type	2013-2014	2014 - 2015	2015 - 2016	2016-2017	2017-2018	2018 -2019 (to date)	Gov't Target
Major	91%	98%	100%	100%	100%	100%	60%
Minor	85%	91%	99%	99%	100%	100%	65%
Other	93%	98%	99%	100%	100%	100%	80%

Performance on all three application types continues to exceed targets and has maintained the Council's position as the best performing Development Management team in the Country. This represents a significant achievement across all three application types and demonstrates that the improvement measures incorporated into the daily workflow and the benefits of a fully electronic document management system continue to have a positive effect.



It is important that we continue to monitor performance based on the speed of decision making as the Government has introduced a 26 week guarantee and that the planning fee has to be refunded should applications not be determined within this period. They have also confirmed the continuation of the Planning Performance Guarantee and 'Special Measures designation' enabling developers to bypass a Council and apply directly to the Planning Inspectorate for a planning permission where that local authority has a track record of either poor performance in decision making or not acting positively to promote economic growth within its area. The thresholds for special measures designation are:

	2017	2018	2019
Major	50%	60%	TBC
Non-Major	65%	70%	TBC

In addition to this, the Government has also introduced a quality measure against appeals. The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10% of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

It should be noted however that a two year assessment period ending March 2017 will be used for designation decisions in 2018, this allows for applications to be decided between April 2015 and March 2017 and a 9 month lag to December 2017 for appeals to be decided. The average percentage figure for the assessment period as a whole is used.

	2015 - 2017	Target	2019
Major	0.1%	<10%	TBC
Non-Major	0.6%	<10%	TBC

During the special measures designation dates (which are published on the Government's website for planning statistics) the Council was first in determining Major applications (100%) and 3<sup>rd</sup> in determining Non Major applications (99.9%) out of 339 local authorities. The following table compares this to neighbouring Council's statistics.

	Major	Position
Rotherham	100%	1 <sup>st</sup>
Doncaster	94.3%	94 <sup>th</sup>
Barnsley	90.2%	154 <sup>th</sup>
Sheffield	84%	159 <sup>th</sup>

	Non Major	Position
Rotherham	99.9%	3 <sup>rd</sup>
Barnsley	92.5%	101 <sup>st</sup>
Doncaster	91.4%	122 <sup>nd</sup>
Sheffield	86.4%	222 <sup>nd</sup>

In addition, the new Housing and Planning bill includes the provision for the processing of planning applications to be undertaken within a competitive environment. This will potentially open up the opportunity for private individuals, local firms and neighbouring Local Planning Authorities to compete to process planning applications within Rotherham which could significantly reduce the level of income that is collected through planning application fees. It is therefore vitally important that the Development Management service is as efficient and customer focussed as it can be.

### **Enforcement**

The Council adopted a new Enforcement Plan in 2018 which prioritises when enforcement action will be pursued, due to limited resources available. There will be many cases where it is not considered appropriate to pursue formal enforcement action, though where it is, discussions will take place with the offender in an attempt to secure the submission of a planning application (to allow conditions to be attached where appropriate) or to amend the works that have taken place. Where these negotiations fail to secure an acceptable outcome, or where a planning application is subsequently submitted, the Council has to consider what enforcement action to take.

During 2018 there have been:

- 254** complaints received;
- 18** Enforcement notices served;
- 8** Breach of condition notices served;
- 4** Appeals dismissed; and
- 1** Appeal allowed

1 further appeal awaiting a decision

The appeal that was allowed was based on a technical issue with the Enforcement Notice and the Notice has recently been re-served.

Where an enforcement notice is not complied with the Council has to consider pursuing formal prosecution proceedings. Whilst no such action has been taken during 2018, there are cases where such proceedings are being prepared.

### **Conclusion**

Development Management has, like all other services within the Council, had to save money year on year and is now at a resource level that would struggle to maintain performance if it was subject to further reductions.

A considerable amount of work has been undertaken to ensure that we are as efficient as possible and this, amongst a few other reasons, has recently been recognised by the RTPI in awarding Rotherham as the 'Local Authority Planning Team of the Year' 2018 but it is important that we continue to perform at this level due to the Governments' apparent desire to open up the processing of planning applications to a competitive market. We need to make sure that we are the best that we can be if this does happen and that we would be the service of choice for all of our customers.