

PLANNING REGULATORY BOARD

Date:- Thursday, 27 June 2019 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 16th May, 2019 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (Pages 7 - 152)
8. Updates
9. Date of next meeting -
Thursday, 18th July, 2019, commencing at 9.00 a.m.

Membership of the Planning Board 2019/20

Chairman – Councillor Sheppard

Vice-Chairman – Councillor Williams

Councillors Andrews, Atkin, Bird, D. Cutts, M. S. Elliott, Jarvis, 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 - 16/05/19

PLANNING BOARD
Thursday, 16th May, 2019

Present:- Councillor Sheppard (in the Chair); Councillors Andrews, Atkin, Bird, M. Elliott, Sansome, Short, Steele, Tweed, Walsh, Whysall and Williams.

Councillor Williams assumed the Chair during consideration of application RB2018/1774 when Councillor Sheppard left the room.

Apologies for absence:- Apologies were received from Councillors D. Cutts and Fenwick-Green.

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

108. DECLARATIONS OF INTEREST

Councillor Bird declared a personal interest in application RB2018/1774 (change of use to micro public (Use Class A4) and erection of a smoking shelter at Unit 10c Dale Road, Rawmarsh) on the grounds of general noise and disturbance and access/egress to the site. He spoke about the application, but then left the meeting and did not observe the vote.

Councillor Sheppard declared a pecuniary interest in application RB2018/1774 (change of use to micro public (Use Class A4) and erection of a smoking shelter at Unit 10c Dale Road, Rawmarsh) on the grounds of his employment at a nearby micro pub. He vacated the chair and left the meeting whilst the application was discussed.

109. MINUTES OF THE PREVIOUS MEETING HELD ON 25TH APRIL, 2019

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 25th April, 2019, be approved as a correct record of the meeting, subject to the inclusion of Councillor Sansome in the list of apologies.

110. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

111. DEVELOPMENT PROPOSALS

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

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

- Change of use to micro pub (Use Class A4) and erection of lobby area and smoking shelter (RB2018/1774)

Mr. H. Raki (Applicant)
Ms. C. Ologbosele (Objector)
Mr. R. Bale (Objector)
Ms. H. Butler (Objector)
Councillor R. Bird (Objector)

2) That the Planning Board declares that it is not in favour of application RB2018/1774 and that the application be refused for the following reason:-

01

The site is allocated for Mixed Use purposes (MU03) on the adopted Local Plan and A4 'drinking establishments' is not included in the list of uses that are generally considered acceptable in this location. It is considered that the development would lead to unacceptable levels of noise nuisance and general disturbance to local residents and that the development would, therefore, be contrary to Local Plan Policies SP65 Development Within Mixed Use Areas and SP52 Pollution Control.

Members also authorised Enforcement Action to secure the cessation of the unauthorised use of the premises as an A4 drinking establishment, and the removal of the two areas of decking either side of the entrance door, with a compliance period of 28 days.

(3) That application RB2019/0311 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

112. UPDATES

The following update information was provided:-

- (a) Members' Seminar – 4th June, 2019 – Supplementary Planning Documents

Members were encouraged to attend a Members' Seminar arranged for Tuesday, 4th June, 2019 at 2.00 p.m. in the Council Chamber covering Supplementary Planning Documents.

- (b) Enforcement Notice – Pitches

The Enforcement Notice in relation to the Pitches site, which was refused permission at the last Planning Board meeting, had been served on 8th May, 2019 and the applicant had 28 days from that date in which to lodge an appeal.

(c) Completed Developments Tour

Plans for a Completed Developments Tour during June would now be confirmed for Monday, 24th June, 2019 departing from the Town Hall. (This has since been amended to Tuesday 25th June, departure from Town Hall and full itinerary to be confirmed)

Members were asked to forward any other proposed site suggestions to Committee Services.

The details and itinerary for the tour would be circulated in due course.

Resolved:- That the information be noted.

113. DATE OF NEXT MEETING

Resolved:- That the next meeting take place on Thursday, 6th June, 2019 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 27 JUNE 2019**

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

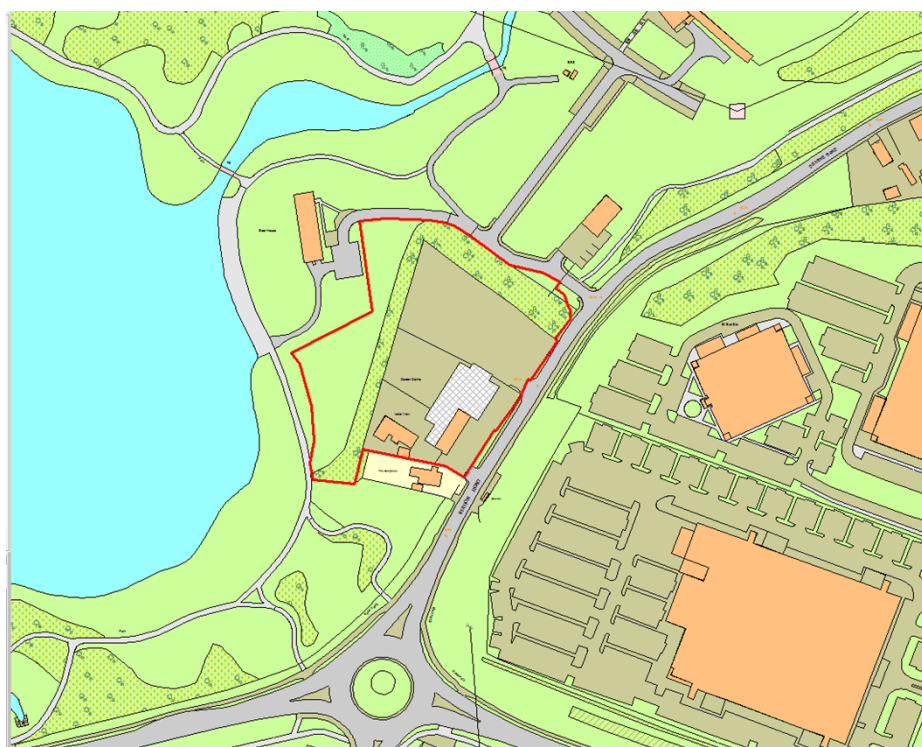
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<p>RB2019/0243 Erection of 49 No. dwellinghouses at Dearne Valley Garden Centre Station Road Wath-upon-Dearne for Hooper Limited</p>	<p>Pages 8-41</p>
<p>RB2019/0562 Reserved matters application (details of landscaping, scale, access, external appearance and layout) for the erection of 175 No. dwellinghouses - Waverley phase 2C (reserved by outline RB2017/0743) at Waverley New Community off High Field Spring Catcliffe for Taylor Wimpey Yorkshire</p>	<p>Pages 42-74</p>
<p>RB2019/0574 Outline planning application for up to 40,000 sqm of Class B1, B2 and B8 floor space with all matters reserved except for details of structure landscaping along the Sheffield Parkway (A630) frontage at land adjacent Advanced Manufacturing Park High Field Spring Catcliffe for Harworth Estates Investments Limited</p>	<p>Pages 75-105</p>
<p>RB2019/0603 Erection of industrial building (Use Class B2) at Hodge Clemco Todwick Road Dinnington for Hodge Clemco Ltd</p>	<p>Pages 106-117</p>
<p>RB2019/0625 Erection of 2 no. industrial buildings (Use Class B1 (b&c), B2 and B8) with associated service yard, car parking, substation & boundary fence (2.4 metres high) at land at Todwick Road Dinnington for Ernest V Waddington Ltd</p>	<p>Pages 118-152</p>

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 27 June 2019**

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

Application Number	RB2019/0243
Proposal and Location	Erection of 49 No. dwellinghouses at land formerly known as Dearne Valley Garden Centre, Station Road, Wath-upon-Dearne
Recommendation	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 25% Affordable Housing Provision • Financial contribution of £500 per residential unit towards the provision of sustainable transport measures. • Annual payment to The Manvers Lake Trust of £4,023 towards the ongoing management and maintenance of Manvers Lake based on a formula of £0.27 per sq. metre (1.49 hectares). • Establishment of a management company to manage and maintain the on-site landscape and open spaces. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following conditions:</p>



This application is being presented to Planning Board in line with the Council's Scheme of Delegation for major development

Site Description & Location

The site is located off Station Road on the northern edge of Wath-upon-Dearne, and has an area of approximately 1.49 hectares. The site is bordered by private open space to the north, commercial/industrial buildings along most of its eastern boundary (on the opposite side of Station Road), a detached bungalow with park land to the south and a boat house and lake immediately to the west.

The site was previously used as a garden centre; however this ceased trading some time ago and remnants of the associated buildings and large areas of hardstanding remain on site to date. The site is relatively flat and an existing access is provided in a central location onto Station Road.

The site of the former garden centre is enclosed by a paladin fence along the north and west boundaries, a brick built wall with railings and gates to the east, along Station Road and a timber fence along the southern most boundary.

Background

The following applications are relevant to this proposal:

RB2011/1149 - Outline application for the erection of 32 No. dwellings and 4 No. buildings comprising 28 No. apartments including details of access & layout – Withdrawn

RB2012/0327 - Outline application for the erection of 32 No. dwellings and 4 No. buildings comprising 28 No. apartments including details of access & layout – Withdrawn

RB2016/1419 - Outline Application for the erection of 60 No. dwellinghouses with details of access (comprising of 28 No. apartments in 4 No. blocks of 3 & 4 storey buildings & 32 No. dwellinghouses with associated highways, parking & landscaping) – Granted Conditionally 01/03/2017

RB2018/1070 - Erection of 28 No. apartments and 30 No. dwellinghouses - Withdrawn

CIL

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

Proposal

This is a full application for the erection of 49 dwelling houses and associated infrastructure. The development proposes a mix of 2 and 3 bedroom properties which include semi-detached and terraced properties ranging from 2, 2.5 and 3 storeys in height.

The housing mix comprises of the following:

8 x two bedroom semi detached houses
30 x three bedroom semi detached houses
11 x three bedroom town houses

Of these dwellings 12 will be allocated for affordable purposes which equates to a provision of 25% on site.

On the whole, dwellings are generally 2 or 2.5 storeys in height, with the exception of the 2 blocks of terraced houses located along the western boundary which are 3 storeys in height. The external appearance of all of the dwellings are traditional in design and a mix of brickwork and render is proposed, together with Georgian style UPVC windows.

The site layout has been arranged around 2 new access roads which are to be created off Station Road. These will be linked within the site to provide access to all properties.

Boundary treatments include the use of 1.8m high close boarded fencing between properties and along rear boundaries and 1.8m high brick walls along boundaries that abut a highway. Along the western boundary it is proposed to erect a 1.8m high fence, however this will be screened by a native species hedgerow.

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

Planning and Affordable Housing Statement

The statement provides details on the site, relevant planning history, stakeholder engagement and policy context. It also confirms that it is proposed that an affordable housing level of 25% be applied to the development. This figure would equate to a total not exceeding 12 dwellings which could comprise a mixture of 2 & 3 bedroom houses.

Design and Access Statement

The statement confirms that the development as proposed would provide a mixture of 2 & 3 bedroom houses which would be appropriate for this particular location. The dwellings will be constructed to conform to the latest standards set by the building regulations which set a high standard of thermal efficiency. The design as proposed closely follows that as shown on the site plan prepared for the outline permission.

Preliminary Ecological Appraisal

The report provides the results of an Extended Phase 1 Habitat Survey on the land. The report concludes that no protected habitats were identified on site during the Preliminary Ecological Appraisal and therefore the proposed development will not impact on such protected or notable habitats.

Transport Statement

The Transport Statement assesses the predicted impact of the proposals on the operating conditions of the local highway network and concludes that the development is sustainable, can be accessed by people and the residual cumulative traffic impact is not severe.

Flood Risk Assessment

Confirms that the site does not lie within an area shown on flood maps as at the risk of flooding and is not at significant risk of flooding from any source. Floor levels will be no lower than 19.3,AOD. There is a risk of shallow flooding on Station Road close to the site. There will be no safe access and egress to the north of the site in the event of extreme rainfall, however safe vehicular access and egress will be gained to the south of the site towards Manvers Way

Drainage Strategy

Confirms that on site drainage will be developed using separate systems for foul and surface water. It further confirms that options available with regards to the use of SUDS techniques are limited given the characteristics of the ground and the density of the proposed development. It is proposed to discharge surface water unrestricted to the adjacent Manvers Lake. The system will be designed and constructed in accordance with Sewers for Adoption 6th edition and offered to Yorkshire Water for subsequent adoption via a Section 104 agreement.

Noise Impact Assessment

The assessment confirms that noise from sources associated with the neighbouring Waterfront Golf Club has been assessed in accordance with BS 4142. The assessment indicates a low impact. Overall, the proposals are considered to be acceptable with regard to noise on the provision that the recommendations for glazing and ventilation detailed in Section 4 are implemented to the building envelope design.

Land Contamination Assessment

Confirms that before more definite information regarding the properties of the ground and any contamination present can be given, an intrusive ground investigation will be required. It is also recommended that gas monitoring wells are installed to determine whether any gas precautions will be required. These could be installed via window sampling. Cable percussive boreholes will be required if piling is necessary.

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 which was adopted by the Council on the 28th June 2018.

The application site is allocated for Mixed Use purposes in the Local Plan (MU01 Manvers Lakeside). For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS22 'Green Space'
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'
SP1 'Sites Allocated for Development'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP35 'Protected and Priority Species'
SP36 'Soil Resources'
SP37 'New and Improvements to Existing Green Space'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP65 'Mixed Use Areas'

Other Material Considerations

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

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

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

The revised NPPF came into effect on July 24th 2018. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

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

The application shall also be assessed against the guidance detailed within the South Yorkshire Residential Design Guide and the Council’s adopted Parking Standards.

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

Consultations

RMBC – Transportation and Infrastructure Service: have assessed the content of the Transport Statement and raise no objections to the proposed development subject to 9 conditions and a requirement for £500 per dwelling towards sustainable transport methods.

RMBC – Affordable Housing: The application complies with the affordable housing policy of 25% affordable housing on site and as such no objections are raised subject to a S106 legal agreement

RMBC - Landscape Design acknowledges that the site is allocated for mixed use purposes and has the benefit of outline consent for residential development. The submitted landscape masterplan is considered to be acceptable and subject to a condition requiring detailed proposals, no objections are raised.

RMBC – Ecology have reviewed the submitted Preliminary Ecological Assessment and generally concur with the findings and recommendations. Accordingly no objections are raised subject to the imposition of appropriately worded conditions.

RMBC – Drainage: originally raised concerns regarding the submitted drainage strategy and in particular how surface water will be drained. Conversations between the agent and drainage engineers during the application process have resulted in amendments to the scheme and the preference to drain the site into Manvers Lake is now the preferred option. Accordingly no objections are raised subject to conditions requiring the submission of a flood exceedance plan and surface water drainage details.

RMBC - Environmental Health: accepts that there will be a low impact from the Waterside Golf Course tractor garage or agricultural machinery movements associated the upkeep of the greens, the impact of which will be masked by the general background noise. Measures are however required to mitigate against noise associated with the traffic on the public highway, particularly on the eastern site of the boundary in relation to the dwellings (glazing) and outside garden area.

RMBC - Land Contamination: acknowledge that the site was occupied by railway sidings which served Wath Main Colliery until at least 1956. Our next available map of 1967 shows the railway sidings are no longer present and the site is now occupied by a garage and residential property, which existed on site until at least 1988. Following this date Dearne Valley Garden Centre is known to have occupied the site up until 2016 when it ceased trading. No objections are raised to the redevelopment of the site subject to conditions requiring the submission of a Phase II Intrusive Site Investigation and relevant remediation (if necessary).

RMBC – Green Spaces welcome the introduction of a Local Area of Play on site (LAP) and subject to a condition requiring details no objections are raised.

RMBC – Education acknowledge that a contribution towards primary school provision was requested during consideration of the outline application, however this predated CIL. Any requirement for primary school provision in the area will not be met via CIL.

Environment Agency raise no objections subject to finished floor levels being set at 19.3mAOD.

The Coal Authority: confirm that the site does not fall within the defined development high risk area and is located instead within the defined development low risk area. This means that there is no requirement under the risk based approach and no response is required.

Yorkshire Water: raise no objections subject to a condition requiring the site to be developed with separate systems of drainage for foul and surface water.

Appraisal

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

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

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

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

- Principle
- Design, Scale and Appearance
- Affordable Housing Provision
- Impact on existing /proposed residents
- Provision of open space on site
- Transportation issues
- Landscapes Matters
- Ecology / Biodiversity
- Drainage and Flood Risk
- Land contamination
- Planning Conditions

Principle

The application site is allocated for Mixed Use purposes in the Local Plan.

Policy CS1 'Delivering Rotherham's Spatial Strategy' states, in part, that: "Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth". Catcliffe, Treeton and Orgreave are identified as a Local Service Centre for growth which is to provide 170 dwellings as part of the Local Plan.

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): proximity as prospective housing land to services, facilities and employment opportunities, access to public transport routes and the frequency of services, quality of design and its respect for heritage assets and the open countryside."

Specific to the application site, Policy SP65 'Development within Mixed Use Areas' states "In Mixed Use Areas, as defined on the Policies Map, new development or change of use will be permitted where it complies with the menu of acceptable uses for that area as set out in Table 18 'Acceptable Uses Within Mixed Use Areas' and meets the requirements of other planning policy as appropriate. Where other uses not identified as acceptable are proposed within Mixed Use Areas, they will be considered on their merit."

In this regard, the site is identified as site MU01 in Table 18 wherein acceptable use classes are identified as being C3 (residential), D2 (Leisure) and Sui Generis Leisure. The proposed development for 49 dwellings is therefore considered to accord with the requirements of Policy SP65.

Additionally, Policy SP64 'Access to Community Facilities' states: "Residential development should have good access to a range of shops and services. On larger scale residential developments of 10 or more dwellings the majority of homes (minimum of 80%) should be within 800 metres reasonable walking distance (measured from the centre of the site, taking into account barriers such as main roads, rivers and railway lines) via safe pedestrian access of a local convenience shop and a reasonable range of other services or community facilities. This may require the provision of local services or facilities by developers where these requirements would not otherwise be met or where new development would place an unacceptable burden upon existing facilities, unless it can be demonstrated that such provision would not be viable or would threaten the viability of the overall scheme."

In relation to this the site is located approximately 800m away from a hotel, public house and the local supermarket in Manvers, when accessed via Manvers Lake and directly adjacent to the leisure facilities offered on and around Manvers Lake. It is therefore considered that the application site has good access to a wide range of shops and services within Manvers.

With regards to the impact on schools, the Head of Education has confirmed that the upgrade in existing provision will benefit from Community Infrastructure Levy money.

In conclusion it is considered that the proposed residential development is acceptable in principle on this allocated site. The development is therefore considered to accord with Local Plan Policies CS1, CS3, SP65 and SP64, and the provisions of the NPPF.

Design, Scale and Appearance

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..... Design should take all opportunities to improve the character and quality of an area and the way it functions." This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

SP55 'Design Principles' states: "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".

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

The NPPF at paragraph 124 states, in part, that: "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*" Paragraph 130 adds, in part, that: "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*"

The National Planning Practice Guidance, notes at ID: 26-004-20140306 that: "*Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.*"

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The existing properties within the locality vary considerably in architectural design, size, layout and building materials which means that there is not one predominant character. The design, appearance and materials of the proposed properties are traditional and as such will create an acceptable appearance within the immediate locality. Additionally, car parking areas at the front of properties include areas of planting to soften the street scene within the development site. Boundary treatments have also been carefully assessed to ensure that a high quality environment is created.

The scale of the dwellings is considered to be appropriate and similar to the scale of some of the differing house types within the wider Manvers area. The use of 5 differing house types, which vary in height from 2, 2.5 and 3 storeys in height will also provide sufficient variance to create attractive street scenes.

The scheme also includes the provision of a children's play area (LAP) to the west of the site. There is also a comprehensive landscape scheme to be implemented including the provision of a landscaped buffer along the northern boundary and towards the south west of the site which will aid in providing an attractive setting. Further landscaping is proposed along the Station Road frontage which will soften the appearance of the development from this public vantage point.

The site also abuts the Green Belt along the western boundary and as such care has been taken to ensure that the transition between rear garden areas and the Green Belt is as fluid as practically possible. In this regard it is acknowledged that a secure rear boundary is required to the future residential properties, which will consist of a 1.8m high close boarded fence, however it is proposed to plant a native hedgerow on the Green Belt side which, over time will mature and screen the fence, thereby provided a landscape strip between the two allocations.

Having regard to all of the above, it is considered that the layout and design of the proposed development as amended, offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore it is considered to accord with the above Local Plan Policies, as well as the general principles and goals set out in the NPPF

Affordable Housing Provision

In regard to affordable housing provision, policy CS7 'Housing Mix and Affordability' states:

- a) Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.

- b) The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:
 - a. Sites of 15 dwellings or more shall provide 25% affordable homes on site...

The developer has confirmed that 25% of the units proposed on site will be affordable which equates to a total of 12 units comprising of two and three bedroom properties. Seven of which will be for rented tenures and 5 for intermediate tenures. This will be achieved by the Council entering into a Section 106 agreement.

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

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule.

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 is an existing residential property immediately to the south of the site. This property is a bungalow which fronts onto Station Road. In terms of the amenity of these residents it is acknowledged that plots 30 to 35 will share a rear boundary with this property. Plots 30 to 35 consist of two storey properties with no rooms in the roof space and bedroom windows in the rear elevation at first floor. Nevertheless the rear elevations of the proposed dwellings are located approximately 13.5m from the side elevation of this bungalow and all plots have a minimum of 10m rear gardens.

Whilst it is acknowledged that the proposal would lead to the development of houses in an area where there is currently no development, the dwellings proposed to be located along these boundaries all achieve the minimum separation distances from the existing dwellings, having back gardens with a minimum length of 10m, and achieving in excess of 12m separation distance between the rear elevation of the proposed properties and the side elevation of the existing.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for the size of rear gardens and distances between habitable room windows. The proposed layout accords with the provisions of all of these guidelines and as such it is considered that the development will achieve an acceptable standard of living for existing and future residents.

In general amenity terms the site lies adjacent to Waterfront Golf Club and within 150m of Manvers Way and as such a Noise Assessment was requested to establish the extent of the associated noise sources. In this regard it was recognized that noise sources associated with the nearby Waterfront Golf Club were audible (albeit barely and briefly) along the northern boundary of the site during the night noise survey only and therefore were not a matter of concern.

Having regard to the relationship of the site and Manvers Way and Station Road, predicted internal noise levels with proposed dwelling windows open have been calculated. These calculation show that the internal noise criteria cannot be satisfied when open windows are relied upon as the primary source of background ventilation for proposed habitable areas. The assessment has therefore assumed that windows will be closed, as part of the noise mitigation strategy for the application site, with open windows used temporarily for purge or discretionary ventilation only.

With regard to internal noise levels when windows are closed, based on external and internal noise the report states that a standard double-glazed window with standard trickle vents in a building façade will provide at least 27 dB(A) sound insulation from a free-field external noise level. Internal noise criteria would therefore be satisfied with windows closed (and ventilation provided by standard trickle vents) in all areas apart from the proposed units on the eastern boundary (adjacent to Station Road).

For proposed habitable rooms on the eastern boundary of the site, calculations have been performed to determine the configuration of glazing / ventilation required to satisfy the internal noise criteria with closed windows. The conclusions reached from these calculations indicate that in order to satisfy the requirements of BS8233 and ProPG it is necessary to incorporate mitigation measures, at the eastern boundary of the development, in the form of appropriate glazing and background ventilation with the minimum specifications which can be secured via a suitably worded condition.

Taking all of the above into account, it is considered that the amenity of future occupants of the site is acceptable subject to the proposed mitigation measures outlined in the submitted Noise Assessment. Accordingly, the scheme would comply with the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

Provision of open space on site

Policy CS22 'Green Space' states that: "The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham's green spaces will be protected, managed, enhanced and created by:

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
 - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
 - ii. Creating or extending green links where feasible as part of green space provision in new developments."

Policy SP37 'New and Improvements to Existing Green Space' states, in part, that: "Residential development schemes of 36 dwellings or more shall provide 55 square metres of green space per dwelling on site to ensure that all new homes are:

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

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

The application site lies immediately adjacent to Manvers Lake which provides a range of outdoor recreational facilities as well as walking and cycling routes. As such, the development site lies within 280 meters of a Green Space. Accordingly, on site Green Space provision is not considered to be necessary, although it is acknowledged that some small incidental areas of landscaped spaces will be provided around the periphery of the site.

In terms of play equipment provision, the nearest equipped children's play area is in excess of 700 metres away at Wath Community Park. Because of this, coupled with the fact that the presence of open water at Manvers Lake may lead to safety concerns for young children playing it was requested that an area designated for children's play be incorporated into the proposed development. This will be provided in the form of a Local Area of Play (LAP) and details of play equipment will be secured via a suitably worded planning condition. Given the design and layout of the development, it was considered appropriate to locate this to the west of the site adjacent to Manvers Lake. Access will be available via the proposed footpath which links the site to the link in the south western corner of the site.

Having regard to all of the above and in considering Policy SP37 'New and Improvements to Existing Green Space' which outlines the principles to be followed when new play spaces are designed, it is considered that the proposed areas and equipment within the scheme are acceptable and satisfy the requirements of Policies CS22, SP37 and SP39.

Transportation 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.”

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.”

Having regard to transportation issues, the application has been accompanied by a Transport Statement (TS) which provides an evaluation of junctions using existing and projected data; traffic accidents in the locality of the site along with likely traffic expected to be generated by the proposed development.

Having regard to the existing access arrangements, the former garden centre had a single point of access off Station Road, and this access is still available. When using the access, vehicles must cross the footway for which dropped kerbs (and associated tactile paving) are provided.

In order to determine the base traffic flow (prior to development) on the local highway network, two traffic surveys were conducted on Station Road directly outside the site, once between Tuesday 19th and Tuesday 26th July 2011, and at the same location between Friday 9th and Thursday 15th September 2016.

As previously reported, the proposed development would provide 49 residential units in place of the recently closed garden centre and would be accessed directly from Station Road.

The tables below identify the number of trips that could be generated by the proposed development, plus an addition 11 units (60 units in total as approved at outline stage) during the peak hours and for the full day in comparison to the garden centre function.

Trip Generation of the proposed 60 unit residential development

Land-use	Rate Basis	AM (0800 – 0900hrs)		PM (1700 – 1800hrs)		Weekend (1400-1500)	
		Arr	Dep	Arr	Dep	Arr	Dep
Housing	Per Unit	0.27	0.57	0.56	0.35	0.36	0.37
	60 units	16	34	33	21	22	22
Garden Centre	<i>Table 3.2</i>	14	3	21	48	168	149
Difference		+2	+31	+12	-27	-146	-127

Trip Generation (vehicles) for garden centre (Daily)

Land-use	Rate Basis	Weekday (0700 – 1900hrs)		Weekend(0700 – 1900hrs)	
		Arr	Dep	Arr	Dep
Housing	Per Unit	3.46	3.43	4.33	4.19
	60 units	207	206	260	251
Garden Centre	<i>Table 3.4</i>	220	218	340	338
Difference		-13	-12	-80	-87

The above figures clearly indicate that the proposal would lead to a slight increase in trips on the network during the weekday AM peak hour and show that there would be a reduction in trips during the weekday PM peak hour and during the weekend peaks; therefore overall daily volumes would decrease as a result of the development.

The Council's Transportation and Infrastructure Service have assessed the findings of the TS and in particular the projected trip generation and consider that there will be no negative impacts on congestion or highway capacity as a result of this development, however it is considered that the installation of a shared footway/cycleway, a minimum of 3 metres wide should be provided along the site frontage on Station Road. This, together with the projected trip generation would result in no material change in road safety risk. The development in this regard is therefore considered to comply with the provisions of Policies CS14 'Accessible Places and Managing Demand for Travel and the NPPF.

Having regard to the sustainability benefits of the development, the retail centre of Wath upon Dearne is approximately 1.2km away from the existing garden centre and so is well within the walking and cycling range. This equates to an approximate 15 minute walk (using general parameters noted in the Guidelines for Providing for Journeys on Foot, IHT 2000). The local centre offers a wide range of services including medical, shopping and civic amenities.

To facilitate such trips, footways are available along both sides of the road adjacent to the site. To the south, the footway turns into a shared cycleway / footway and provides an unbroken connection into Wath upon Dearne along Station Road. Crossing points are in place at the junction of Manvers Way / Station Road. An alternative route is available to / from Wath upon Dearne via an off road cycleway / footway Parallel with Manvers Way and connecting to Moor Road.

In addition, bus services are available directly outside the site at the Station Road bus stops. The services running from these include 3 separate services travelling to Barnsley & Rotherham, along with smaller local and district centres located within the outlying villages. Footways are available to each bus stop, but no formal crossing provision is in place across Station Road.

The proximity to existing bus facilities ensures that the site is well connected to neighbouring town and district centres. Accordingly it is considered that the site scores well in terms of sustainability and therefore complies with Policies CS14 and SP26.

Having regard to parking provision within the site, the indicative layout shows an adequate amount relative to the house types and numbers of apartments proposed. Any future application for Reserved Matters will have to accord with the Council's approved minimum parking standards for residential development.

Landscape Matters

Policy CS19 "Green Infrastructure" states, in part, 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...Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below –

- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites."

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 is accompanied by an indicative landscape plan which shows how the site will be developed with areas of landscaping along the northern and western boundaries. It is also proposed that all houses would have private rear gardens and their front gardens would have different trees and shrubs on the two main streets to enhance a sense of place. A native hedgerow is also proposed along the western boundary with Manvers Lake and an area of tree planting is proposed within the southern western corner adjacent to the footpath link.

Having regard to this it is considered that overall the proposals seek to provide an attractive landscape setting, with planting styles which are considered appropriate for the site context. Significant improvement work has been carried out to reclaim and restore the wider Dearne Valley area and to establish semi-natural wetland and woodland habitats in the areas surrounding the site, accordingly it is important that the species proposed for this development continue this theme and provide connectivity to the existing habitats and plant communities.

The applicant has worked with the local planning authority prior to the submission of the application to ensure certain landscape features were secured, these include:

- The provision of a landscape buffer to the north and west boundaries
- Meaningful and sustainable tree planting and landscape buffer to site frontage with Station road;
- Introduce planting to front gardens of plot to minimise visual impact /dominance of parked cars on driveways;
- Ecological approach to planting design to enhance biodiversity and demonstrate biodiversity gain;
- Security /safe design of pedestrian linkages to existing local green infrastructure network via Lakeside and Station Road.

It is considered that the current scheme has made adequate provision to incorporate these requirements and the above features are now incorporated within the proposed layout. Having regard to this the development is considered to comply with Policies CS19, CS21 and SP32.

Ecology / Biodiversity

With regard to ecological matters Core Strategy policy CS20 'Biodiversity and Geodiversity,' seeks to conserve and enhance Rotherham's natural environment, and protect resources with priority being given over (amongst others) conserving and enhancing populations of protected and identified priority species; protecting them from harm and disturbance; and by promoting recovery of such species populations to meet national and local targets.

Policy SP33 'Conserving the Natural Environment' states: "Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery..."

Furthermore, Policy SP35 'Protected and Priority Species' states: "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."

The NPPF at paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

In support of the application an Extended Phase 1 Habitat Survey has been submitted which provides details of the findings of the survey which was carried out on 19th and 25th August 2015. The report then proceeds to provide an evaluation of the findings followed by various recommendations which include the following:

- Should vegetation be cleared or Building 3 demolished during the nesting season, which extends from March to September each year, it must be preceded by a nesting bird survey carried out by a suitably experienced person no further than a week in advance
- No bats were identified roosting in the buildings on the site. Nevertheless individual bats can seek temporary shelter almost anywhere. Therefore, it is recommended that buildings are demolished with care and in the event a bat is found, it should be covered and protected, work should cease at that location and further advice sought from the undersigned.

- Should the area of grassland and ephemeral/short perennial vegetation to the west of the site be cleared during works, it is recommended that reptile surveys are first carried out. These will involve the laying out of reptile mats to be checked seven times over a period of time in suitable weather conditions, optimally during April, May and September. Should a reptile population be identified, further recommendations will be made.

The Council's Ecologist has reviewed the content of the Survey and concurs with the findings that the potential for summer roosting of bats in Building 2 is very low whilst the building was considered to offer no potential for hibernation roosts. The building is of modern brick construction with a flat roof and good pointing which would suggest low potential for roosting bats.

The active bat survey was also conducted alongside Building 2. A surveyor with a bat detector and a static bat recorder which was left overnight were located here. Both were well placed to record any bat activity but no bats emerged from any of the buildings on the site. Furthermore, the conifer hedge to the south is unlikely to offer good foraging since bats are associated with deciduous rather than coniferous trees.

The consultants have however suggested that the demolition of Building 2 should proceed with caution as follows:

5.2. No bats were identified roosting in the buildings on the site. Nevertheless individual bats can seek temporary shelter almost anywhere. Therefore, it is recommended that buildings are demolished with care and in the event a bat is found, it should be covered and protected, work should cease at that location and further advice sought from the undersigned.

Having regard to the above, the Council's Ecologist confirms that the bat survey is appropriate and the assessment and recommendations are acceptable. A biodiversity enhancement strategy will be produced as part of any future proposals for the site and will include measures to protect and promote bats.

Turning to the potential for Great Crested Newts to be present on or adjacent to the site, two ponds are shown within the Extended Phase 1 Habitat Survey. Both are located on the opposite sides of main roads and are located in business parks with significant hard-standings (car-parks) and buildings. Consequently newts would face substantial obstacles in travelling to and from the application site to the ponds. Given the barriers to movement, it is not considered that any newts from the application site would use the ponds to the east.

The Phase 1 report also deals adequately with the issue of newts potentially using the lake. The lake and its surroundings are accessible to members of the public. Large open bodies of water such as this invariably support fish and these predate newts, their larvae and their eggs. For this reason, fish and newts do not normally occur in the same waterbodies. Waterbodies heavily used by waterfowl (such as this) are also known to be unlikely to be used by newts. The deep water is also likely to be cool/cold for newts. The consultants are aware of these and other reasons why newts are likely to be absent from the lake.

The application site itself is bereft of ponds or ditches so any newts on the site will be adults and given the lack of waterbodies and good foraging on the site itself, if they are present, they would be present in low numbers.

In summary, the Council's Ecologist is satisfied that the survey was professionally undertaken and the report is an accurate record and assessment of the ecology on the site. The implementation of mitigation measures outlined in the report will be secured via planning conditions and on that basis the proposals are considered to accord with the provisions of Core Strategy policy CS20 'Biodiversity and Geodiversity,' and guidance contained within the NPPF.

Drainage and Flood Risk

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, in 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.”*

With the above in mind, the application is accompanied by a Flood Risk Assessment (FRA). The Assessment confirms that The Environment Agency’s Flood Map for Planning shows the site to lie predominantly within Zone 1 (low flood risk). The site is not at significant risk of potential flooding from any source. A corner of the site lies within Zone 2 but is outside of the development area and sequential testing is considered discretionary.

The report recommends that buildings levels are set at a minimum 19.30 mAOD based on current river modelling data. There is a risk of localised flooding on Station Road close to the site which will affect pedestrian access and egress in the event of extreme rainfall. Vehicular access and egress, will be possible and this flood risk is not a development constraint.

A drainage strategy has also been submitted in support of the application which confirms that “foul water should discharge to the 225mm public combined sewer within Station Road. The options available with regards to the use of SUDS techniques are limited given the characteristics of the ground and the density of the proposed development. It is proposed to discharge surface water unrestricted to the adjacent Manvers Lake. The system will be designed and constructed in accordance with Sewers for Adoption 6th edition and offered to Yorkshire Water for subsequent adoption via a Section 104 agreement.”

The Council's drainage engineer has reviewed the submitted information and has no objections to the application regarding drainage or flood risk subject to the recommended conditions being attached to any permission given.

Contaminated Land

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."*

The application is accompanied by a Phase 1 Geo-Technical and Geo-Environmental Site Investigation Report which provides a history to the site and identifies potential contaminants. The report further considers the expected ground conditions and their geotechnical properties in order to outline foundation proposals to be made for the proposed residential development.

In terms of background, historically the site has been occupied by houses, railway sidings, a garage, a refuse tip and more recently a garden centre which closed between 2010 and 2016.

The report confirms that due to the various changes in the use of the site it is likely that the made ground is expected to comprise demolition rubble and reworked natural ground, however may contain household waste within the refuse tip. Within made ground it is common to find elevated levels of heavy metals/metalloid or polycyclic aromatic hydrocarbons. If demolition rubble is present on the site there is a risk of asbestos fibres being present. Furthermore, it is also possible that localised petroleum hydrocarbon contamination is present as a result of leakages or spillages from the former garage located on site. The buildings on the site may have contained asbestos containing materials.

Having regard to geotechnical matters, the report confirms that 'the thickness of made ground is unknown at this stage, but could be significant below former buildings, below the slopes along the northern boundary and within the refuse pit. Alluvial ground is expected below the made ground, overlying natural firm sandy clay and mudstone or shale bedrock. Shallow groundwater may be present.

Precautions against the effects of past shallow coal mining are not considered to be necessary.'

The report has been appraised by the Council's Land Contamination Officer who concurs with the findings of the report with regard to the potential for contamination to exist associated with the following sources:

1. Presence of naturally occurring metals within the soils/subsoils/made ground
2. Presence of metals/metalloids within made ground likely to be present at the site (associated with past demolished structures, the refuse tip and railway sidings)
3. Presence of asbestos containing materials within the made ground
4. Presence of Polycyclic Aromatic Compounds (PAHs) and Total Petroleum Hydrocarbons (TPHs) associated with the former garage at the site

Contaminants may be present at the site and for this reason conditions requiring site intrusive investigation works should be imposed to assess for the presence and extent of contamination to confirm the potential risks to the end uses of the site and comply with the provisions of Policy SP54 and guidance outlined in the NPPF.

Planning Obligations

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

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

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

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

This is echoed in Paragraph 56 of the NPPF.

With the above circumstances in mind the following S106 Obligations are recommended should Planning Permission be approved.

- 25% Affordable Housing Provision
- Financial contribution of £500 per residential unit towards the provision of sustainable transport measures.
- Annual payment to The Manvers Lake Trust of £4,023 towards the ongoing management and maintenance of Manvers Lake based on a formula of £0.27 per sq. metre (1.49 hectares).
- Establishment of a management company to manage and maintain the on-site landscape and open spaces.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 56 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

Conclusion

It is concluded that the application represents an acceptable form of development on this site that is allocated for Mixed Use development which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological, environmental or mining concerns, while providing much need affordable housing. The application is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision of 25% affordable housing on site and financial contributions towards sustainable transport measures and the ongoing management and maintenance of Manvers Lake.

Recommendation

- A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:
 - B.
 - 25% Affordable Housing Provision
 - Financial contribution of £500 per residential unit towards the provision of sustainable transport measures.
 - Annual payment to The Manvers Lake Trust of £4,023 towards the ongoing management and maintenance of Manvers Lake based on a formula of £0.27 per sq. metre (1.49 hectares).
 - Establishment of a management company to manage and maintain the on-site landscape and open spaces.
- B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following conditions:

Conditions

01

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

Reason

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

- Site Layout Plan Ref: 18.011.2 Rev F
- House Type HL70 Elevation Treatment A1 drawing ref: 18.007.31
- House Type HL70 Elevation Treatment B1 drawing ref: 18.007.32
- House Type HL89-95 Elevation Treatment A1 & C1 drawing ref: 18.007.35
- House Type HL89-95 Elevation Treatment A1 drawing ref: 18.007.33
- House Type HL 89-95 Elevation Treatment B1 drawing ref: 18.007.34
- House Type HL97 Elevation Treatment A1 drawing ref: 18.007.37
- House Type HL97 Elevation Treatment C1 drawing ref: 18.007.36
- House Type HL97 Elevation Treatment A1 drawing ref: 18.007.21
- House Type HL140T – Elevation Treatment B1 drawing ref: 18.007.38
- Landscape Masterplan - Drawing No. 18.011.3 Rev A

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.

04

No above ground development shall take place until details of the proposed Local Area of Play has been submitted to and approved in writing by the Local Planning Authority. The play area shall thereafter be provided in accordance with the approved details prior to the occupation of the first dwelling.

Reason

In order to provide adequate facilities for future residents in accordance with Policy SP37 New and Improvements to Existing Green Space'

Highways

05

The buildings shall not be occupied until details of a proposed shared footway/cycleway of minimum width 3 metres between points A-B indicated on the attached plan have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the first occupation of the development.

Reason

In the interest of pedestrian safety.

06

The buildings shall not be occupied until details of proposed level boarding ie. raised kerbs at the bus stops fronting the site and dropped kerb pedestrian crossing points in the vicinity of the bus stops have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the first occupation of the development.

Reason

In the interest of pedestrian safety.

07

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

09

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

Reason

In order to promote sustainable transport choices.

10

Garages at plots 24-29 (inclusive) shall be kept available for the parking of motor vehicles at all times.

Reason

To ensure each property has sufficient on plot parking.

General Amenity

11

All proposed habitable rooms along the eastern boundary of the site shall be fitted with appropriate glazing and background ventilation with the minimum specifications as presented in Table 4.3 of the submitted Noise Impact Assessment, prepared by ENS dated 10th October 2018. The details of which shall have been previously checked by a mechanical services engineer before designs are finalized and submitted to the Local Planning Authority for approval.

Reason

To protect any future occupiers from any unwanted noise and to comply with BS82333:2014.

12

No above ground development shall take place until details of a solid acoustic barrier; a minimum of 1.8m in height shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be erected in its entirety prior to the occupation of any dwellings.

Reason

To protect any future occupiers of any unwanted noise in the external area of the property

Contaminated Land

13

Prior to the commencement of development, a Phase II Intrusive Site Investigation shall be undertaken to assess the geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall thereafter be submitted to and approved in writing by the Local Planning Authority.

The report 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 the findings of the Phase II Intrusive Site Investigation as required by condition 13 and prior to the commencement of development, a Remediation Method Statement shall be provided and approved by the Local Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in accordance with the findings identified within the Phase II Report and under a full quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure 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

Subject to the findings of the Phase II Intrusive Site Investigation as required by condition 13 and in the event that gas protection measures are required for any new builds then a detailed specification of the gas protection measures to be installed will be submitted to the Local Authority for approval.

Reason

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

16

In the event that subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

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

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 Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

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

18

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

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

19

In the event that vegetation is cleared or Building 1 demolished during the nesting season, all works must be preceded by a nesting bird survey carried out by a suitably experienced person no more than a week in advance. This report shall thereafter be submitted to and approved in writing by the Local Planning Authority.

Reason

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

20

In the event that bats are detected during any demolition works, the bat(s) should be covered and protected and work should cease at that location and the Local Planning Authority should be notified immediately.

Reason

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

21

All personnel employed on the site should be vigilant and in the event that any reptile is found, it should be allowed to escape from the site to a place of safety. If five or more reptiles are found or if any hibernating reptiles are found, the Local Planning Authority should be notified immediately.

Reason

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

22

Prior to any above ground development a scheme identifying Biodiversity Enhancements should be submitted to and approved in writing by the Local Planning Authority. Measures should include bat bricks installed in 10% of new properties, nest boxes in 10% of the new properties and areas of native planting.

Reason

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

Landscape

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.

Drainage

25

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); 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 the development can be properly drained in accordance with the Local plan and the NPPF.

26

Prior to commencement of any above ground development a Flood Exceedance Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

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

27

The finished floor levels (FFL) shall be constructed at 19.3mAOD as stated in the Flood Risk Assessment (FRA) 2016.

Reason

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

28

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

Reason

In the interest of satisfactory and sustainable drainage.

29

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason

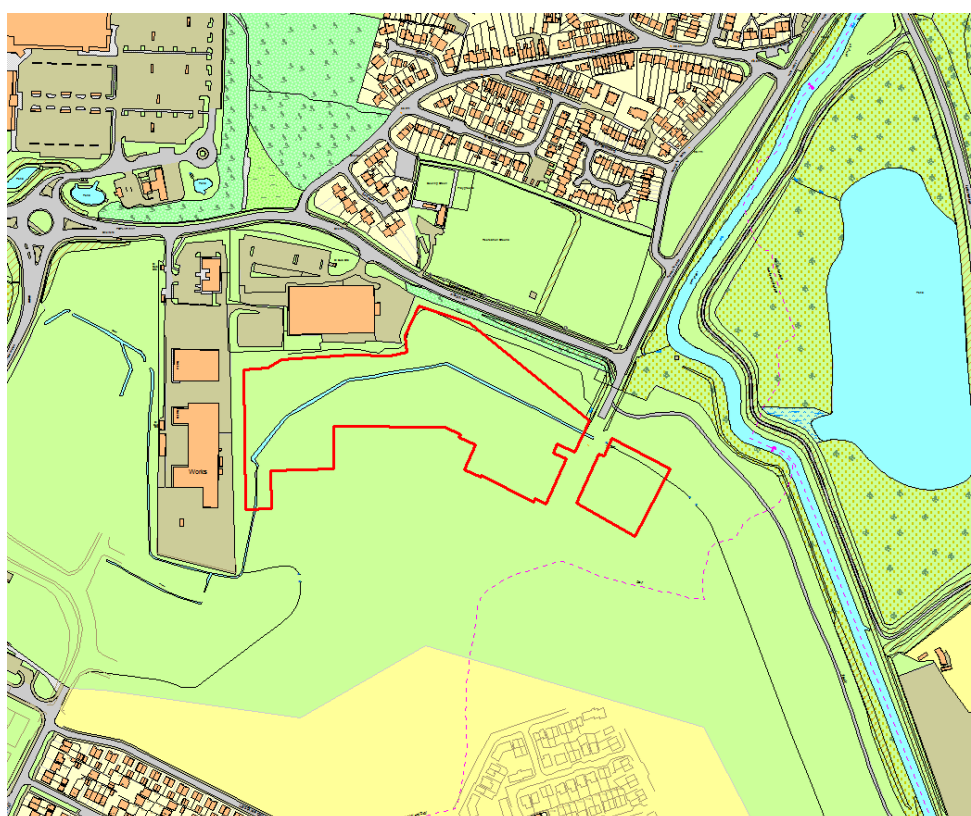
To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network

Informatives

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/0562
Proposal and Location	Reserved matters application (details of appearance, landscaping, layout and scale) for the erection of 175 No. dwellinghouses - phase 2C (reserved by outline RB2017/0743) at Phase 2D, Waverley New Community, Land off Highfield Lane for Taylor Wimpey Homes
Recommendation	Grant subject to conditions



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

Site Description & Location

The site forms part of the wider Waverley New Community and comprises of a parcel of land known as Phase 2. The site extends to 3.9 hectares and is bisected by the re-aligned Highfield Lane which is the access main road through the site.

Land immediately to the south of the site will form the northern boundary of the recently approved Barratt's Phase 2D development Highwall Park, whilst land to the west abuts the recently formed noise bund which was created to screen the site from the adjacent industrial development, known as Foers. The site immediate to the north comprises of a landscaped area with balancing pond between the application site and Poplar Way. Sites further to the east will be subject to future applications for residential development.

Background

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990. Since then a number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, a number of applications were submitted relating to a new community, the relevant ones are listed below:

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011

- RB2017/0743 - Application under Section 73 for a minor material amendment to vary conditions 2, 3, 4, 6, 7, 8, 14, 16, 22, 24, 37 & 39 imposed by RB2015/1460 (Outline application for Waverley New Community) which relate to the Masterplan Development Framework and Principles Document, floorspace limits of none residential use classes and highway improvement works – Granted Conditionally 05/12/2017
- RB2017/1591 - Reserved matters application (details of scale, access, external appearance and layout) for the erection of 220 residential dwellings (reserved by outline RB2017/0743) – Granted Conditionally 25/01/2018
- RB2018/0682 - Enabling infrastructure comprising engineering operations and earthworks to level the site to form development platforms, the excavation of a swale, the installation of pipe work for surface water and foul drainage, the construction of an extension to Highfield Lane linking to Orgreave Road and the provision of structure landscaping – Granted Conditionally

In addition to the above, a number of Reserved Matters applications have been submitted and subsequently approved amounting to 1,348 dwellings.

Proposal

The application is for the approval of reserved matters for part of the scheme approved under outline permission RB2017/0743, for Phase 2c of the wider Waverley development. The design of this phase of development is subject to the design code approved for the Waverley Gate Character Area. All matters were reserved at the outline stage and this application seeks approval for details relating to access, appearance, landscaping, layout and scale.

The proposed layout identifies the provision of 175 new dwellings. The scheme will be developed with an overall density in the range of 40 units per hectares.

The development would provide a mix of 2, 3 and 4 bedroom properties which will range from terraced to semi-detached and detached dwellings and 3 separate blocks of apartments. The open market dwellings comprise of the following:

- 24 x 2 bed apartments
- 40 x 3 bed semi detached
- 29 x 3 bed terraced
- 10 x 4 bed semi detached
- 41 x 4 bed detached

31 units will be allocated for affordable purposes which equates to a provision of 17.7% on site. These affordable units are broken down as follows:

- 12 x 2 bed apartments
- 12 x 2 bed terraced/semi detached
- 2 x 2 bed Flat over Garage
- 5 x 3 bed terraced/semi detached

On the whole, dwellings are generally 2 storeys in height across the application site, however in key areas these are increased to 2 ½ and 3 storeys along Highfield Lane and the western boundary.

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

Planning Statement considers the proposals in line with local policy and government guidance and concludes by stating that “It is considered that this revised reserved matters planning application is in full conformity with the outline approval and that the appearance, layout, scale, mix, landscaping and access are appropriate in the context of the wider Waverley New Community.”

Design and Access Statement provides information relating to the design evolution and rationale behind the development and how it complies with the Waverley Gate Design Code taking account of the relevant national and local planning guidance and policy.

Ecological Checklist confirms that the site has been continuously monitored for protected/notable species in accordance with the Site Biodiversity Action Plan. Surveys for breeding birds have been undertaken throughout the 2018 breeding season. Winter bird surveys were undertaken during 2017/2018 survey period. Furthermore, clearance works have been undertaken as recommended within the AES-LTD Extended Phase 1 habitat survey report.

Noise Assessment provides an assessment of the impact of existing industrial operators on the living condition of future residents. It concludes by stating “the proposed development is not expected to have a ‘significant adverse impact’ on health or quality of life and it is considered that all ‘adverse impacts on health and quality of life’ (relating to noise) are mitigated by the use of appropriate mitigation.”

Transport Assessment assesses the impact of the proposals on the local highway network and concludes by stating “It is demonstrated that no mitigation will be required to deliver the Waverley Phase 2C site and that there are no traffic grounds to withhold consent for the proposed development.”

Ground Gas Risk Assessment provides information and interpretation pertaining to the risk posed by ground gases to the proposed development. It concludes by stating “Based on the calculation of GSVs for worst-case values at the site it is considered that Green conditions are justified in relation to ground gas at the site. However, reflecting the elevated carbon dioxide concentrations at the site, it is recommended that a zoned approach is adopted at the site, with the majority of the site adopting the requirement of an Amber 1 designation and the areas around wells GC02, BH02, BH06 and BH09 adopting the requirement of an Amber 2 designation.”

Geoenvironmental Site Assessment which confirms that the site is underlain by competent made ground.

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 which was adopted by the Council on the 27th June 2018.

The application site is allocated as a special policy area (SPA1 Waverley New Community) in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy Policies

CS1 ‘Delivering Rotherham’s Spatial Strategy’
CS3 ‘Location of New Development’
CS6 ‘Meeting the Housing Requirement’
CS7 ‘Housing Mix and Affordability’
CS14 ‘Accessible places and Managing Demand for Travel’
CS19 ‘Green Infrastructure’
CS21 ‘Landscapes’
CS22 ‘Green Space’
CS24 Conserving and Enhancing the Water Environment
CS27 ‘Community Health and Safety’
CS28 ‘Sustainable Design’
CS25 ‘Dealing with Flood Risk’
CS33 ‘Presumption in favour of Sustainable Development’

Sites and Policies

SP14 ‘Waverley New Community’
SP26 ‘Sustainable Transport for Development’
SP32 ‘Green Infrastructure and Landscape’
SP37 ‘New and Improvements to Existing Green Space’
SP47 ‘Understanding and Managing Flood Risk and Drainage’
SP52 Pollution Control
SP55 ‘Design Principles’
SP56 ‘Car Parking Layout’
SP64 ‘Access to Community Facilities’

Other Material Considerations

South Yorkshire Residential Design Guide.

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 17th September 2018.

National Planning Policy Framework: The NPPF came into effect on July 24th 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 has been advertised by way of press notice, site notice and individual letters to neighbouring properties. No letters of representation have been received.

Consultations

RMBC - Transportation Infrastructure Service – have assessed the proposals in line with relevant policies and guidance and consider the development to be acceptable subject to the imposition of conditions.

RMBC - Landscape Design – have assessed the proposals in line with the approved Design Codes and confirm that subject to appropriately worded conditions no objections are raised.

RMBC – Drainage – raise no objections to the proposed development subject to conditions requiring the submission of an amended flood routing plan.

RMBC - Affordable Housing Officer – are satisfied that the proposals meet the required amount of affordable housing provision for this phase and the house types proposed meet current need in the area.

RMBC – Environmental Health (Noise) - welcome the physical mitigation that has been provided along the western boundary of the site and within the premises of the adjacent industrial premises. The results of the submitted

Noise Assessment have been appraised and whilst they are accepted, it is recommended that further noise monitoring is undertaken prior to the occupation of identified plots.

Environment Agency do not wish to comment on the application.

Yorkshire Water – do not wish to comment on the application.

The Coal Authority raise no objections to the proposed development.

South Yorkshire Police – are generally supportive of the proposals but recommend that the development is built to Secured by Design Standards.

South Yorkshire Fire and Rescue – confirm that the proposal appears to be satisfactory in respect of Fire Service access to the new building, which should comply with the Building Regulations 2010, Approved Document B5 Access and Facilities for the Fire Service. South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site.

Appraisal

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

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

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

The site has planning permission for residential development as part of a wider mixed use outline planning permission that was originally approved in March 2011 under outline application RB2008/1372 and has been renewed in April 2013 under application RB2012/1428, again in September 2014 under RB2014/0775, again in December 2015 under RB2015/1460 and finally in January 2018 under RB2017/0743. The principle of residential development has therefore been established and is considered to be acceptable.

The main considerations in the determination of the application are:

- Design and layout
- Impact on neighbouring amenity
- Compliance with the Design Code

- Highway Safety and Transportation Issues
- Flood Risk and drainage
- Landscaping, Green Infrastructure Provision and Ecology
- Noise and Air Quality Considerations
- Affordable Housing
- Planning Obligations

Design and layout

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..... Design should take all opportunities to improve the character and quality of an area and the way it functions.*" This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

Policy SP55 'Design Principles', states, in part, that: "*All forms of development are required to be of high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings*".

The NPPF at paragraph 124 states, in part, that: "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*" Paragraph 130 adds, in part, that: "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*"

The National Planning Practice Guidance, notes at ID: 26-004-20140306 that: "*Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.*"

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The application site forms Phase 2c of the wider Waverley development and is located immediately to the north of the recently approved Barratt's development known as Phase 2d (RB2016/0220). The site is bisected by Highfield Lane which is in the process of being reinstated by the landowner. The layout comprises a mix of apartments, terraced, semi-detached and detached dwellings. The properties are proposed to be 2, 2 ½ and 3 storeys in height.

The layout of this phase of development follows the general principles set out in the masterplan and approved Waverley Gate Design Code in that it incorporates key frontages along Highfield Lane and Highwall Park and respects the continuous frontage with few gaps along the western boundary together with the provision of detached dwellings of a uniform appearance which will front the Water Edge.

The Highfield Lane frontage forms the main connection between Waverley Gate and the other phases of the Waverley New Community. A continuous frontage has been incorporated in to the layout within this area which provides a contrast to the internal streets which have been designed to be more flexible in terms of their layout. The character of the Highfield Lane is defined in the approved Design Code as:

- Regular and continuous frontage enclosure.
- Little variation, recurring pattern/ principle, generally symmetric.
- Vertical emphasis in general, extra height/scale/feature giving emphasis to corner blocks.
- Simplicity in form, material, detailing. Limited palette creating a uniform appearance.
- 'Bookend' units to frame the street

In response to this, the submitted layout plan shows a consistent building line with a continuity of frontage. There are minimal gaps between dwellings and where these are present they are utilised to provide side driveways and accesses which will remove vehicle parking from the frontages and as a result provide a more attractive setting.

A mix of accommodation is proposed from apartments to townhouses and a detached dwelling. The use of differing storey heights which include 2 ½ and 3 storeys in key areas are also welcomed as they assist in providing bookends and frame the street scene. Furthermore, the use of 3 storey apartment blocks entering the parcel at the northern boundary accords with the Design Code and will help to frame this parcel of development when viewed from Poplar Way and beyond.

Having regard to the north eastern boundary, this is known as the Water Edge and is a key frontage to Waverley and forms the gateway to the site. It fronts the permanent water feature and public realm with Poplar Way beyond. The Design Code requires the provision of a distinct detached built form. The character of the Water Edge is further defined as:

- Detached units with regular spacing's and form;
- Soft landscaped front gardens to add greenness;
- Architecture with contemporary villa style;
- Parking on plot with garages attached to the main building with possible room above;
- Uniform appearance/character of architecture with white render being the stand out material.

The submitted site layout plan shows the use of 2 different house types. Although two is proposed, a similar footprint with a projecting gable is contained on both types and provides the strong frontage required. The Code also requires the front boundary treatment along this key streetscene to include a 0.6m high wall. However, upon review, given the level of integral garages and driveways, the walls would be very intermittent. It was therefore considered that the provision of low hedges would be more in keeping with the water edge and provide a green setting whilst allowing the required boundary definition.

It is noted that the Code also requires the use of attached garages (as opposed to the proposed integral), however it is considered that the strong frontage created by the proposed house types can be still achieved. Accordingly, this requirement was not deemed necessary in this instance.

The western boundary of the site is known in the Design Code as the Green Edge. This boundary abuts the existing industrial businesses beyond. A noise bund has previously been formed by the landowner and will be landscaped to provide an attractive setting for future residents. The building frontage in this area is also required to be designed to help attenuate any noise generated by those units. Accordingly, a strong linear frontage with minimum gaps is required with a minimum height of 2 storeys. Whilst the Green Edge frontage is featured in the Design Code, only the massing and scale are coded. The architecture and appearance have a more flexible approach with a variation of styles and materials. The submitted layout shows a range of accommodation from 2.5 storey terraced houses and 2 storey semi-detached and townhouses. A flat over a garage unit provides additional accommodation over the garages for adjoining plots. A consistent building line has been maintained whilst accommodating highway requirements of turning areas and private drives. There are minimal gaps between dwellings to provide noise attenuation with dwellings orientated to face the bund. The layout is therefore considered to be acceptable in this location and accord with the requirements of the Design Code.

Finally, turning to the internal streets, these comprise generally of detached and semi detached dwellings with a small amount of terraced properties, all being two storeys in height. A small area of open space is provided towards the northern boundary of the site with dwellings fronting onto it on all four boundaries which will provide an adequate level of natural surveillance.

The design of the dwellings are representative of dwellings built previously at Waverley New Community and the use of red and buff brickwork together with render to key plots are considered to be appropriate material choices for this phase of development. The apartment blocks along the Highfield Lane/Water Edge frontages have been designed specifically for this location and will provide a strong entrance to the site from Poplar Way which is a requirement of both the Design Code and the Master Plan Development Framework and Principles Document.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form.

Impact on neighbouring amenity.

Policy 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."*

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."*

The proposed residential units on this phase of development comprise of a mixture of 2, 3 and 4 bedroom dwellings and apartments which are 2, 2 ½ and 3 storeys in height. The site is not located adjacent to any existing properties, however it is acknowledged that land to the south and east are reserved for future development.

With regard to the impact of the proposal on the amenity of future residents of this development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties, 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types proposed have been designed to adhere to these space standards and each dwelling will have private rear gardens and be within easy reach of the wider open space adjacent the lakes, together with Highwall Park (once completed) and the small area of open space planned within Phase 2D immediately to the south of this application site. Adequate space about dwelling distances have also been achieved in line with the guidance in order to ensure that amenity value is high for residents with no potential for overshadowing or loss of privacy.

It is acknowledged that the proposed apartment blocks do not benefit from any amenity space; however this plot of land forms part of the wider new community which has a planned green infrastructure strategy aimed to deliver many recreational and ecological benefits. The first phase of open space regeneration within Waverley Park (land to the south of the wider site) has already commenced and within the new community, open space provision will complement and enhance the built form. In excess of 105ha of the site is located within the Green Belt and together with Highwall Park, planned to be located immediately to the south of the site, the total area dedicated to open space exceeds 116ha. All of these areas are or will be within an acceptable walking distance to this proposed plot of land and as such it is considered to be a sufficient amount and nature to negate the need for planned allocated amenity space for the residents of the proposed apartments.

Having regard to all of the above and on balance, it is considered that the amended layout and proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

Compliance with the Master Plan Development Framework and Principles Document and Design Code

The Master Plan Development Framework and Principles Document was submitted and subsequently approved to replace the previously approved Design and Access Statement under ref: RB2017/0743. This document clarifies the changes proposed to the next phase of development and explains how it ties in with the wider new community scheme. Included within this document is a chapter providing details of land use, which states that 'the development will provide a mix of dwellings in terms of size and tenure to meet local needs. The overall indicative mix for private market dwellings will include 1 and 2 bed apartments through to 4 and 5 bed family houses. The mix responds to local market conditions as well as achieving a development appropriate and responsive to the immediate context'. The proposed development at Phase 2c includes a mix of house types in accordance with this requirement, including 2, 3 and 4 bed dwellings and apartments.

Other chapters include details on 'Massing' and 'Character Areas'. This Phase of development falls within the Waverley Gate character area which identifies the density of this area to be between 35 to 55 dwellings per hectare and confirms that 'The site will predominantly contain a mix of 2, 2.5 and 3 storey dwellings'.

The height of the proposed units range from 2 to 3 storeys in height with the majority of the 3 storey units being located around in key areas. The use of these units assist in the provision of primary frontages as required by the Masterplan Framework document and as such creates a strong perimeter structure. The proposed development comprises a range and mix of dwelling types including family detached and semi-detached properties, as well as terraced houses and apartments. The proposed development has a net density of approximately 40 dwellings per hectares which is compliant with the outline permission and the subsequent approved Waverley New Community Masterplan Framework and Principles Document (September 2017) which highlights a density of dwellings between 30-60 dwellings per hectare.

The design code for this phase of development was submitted in response to the requirement of Condition 3 of the outline approval (RB2017/0743). This document provides a set of parameters which any detailed design proposal within these phases must adhere to. It sets out essential elements that must be delivered to implement the masterplan and are intended to be a mechanism to coordinate the implementation of different elements within the development and provide a framework for the entire site.

The applicants have prepared a design and access statement which amongst other things sets out how the development accords with the rules and parameters set out in the Design Code. As previously stated the proposed layout incorporates a primary frontage and respects the character of the Water Edge, Highfield Lane and the Green Edge. The layout also responds to the requirements in the code with respect to building lines, scale, architectural style, materials, boundary treatment and street widths.

Additionally, the layout identifies different street types including the use of landscaping features and pedestrian links as identified in the Design Code. The street scenes and separation distances between residential dwellings accord with the parameters of the approved Design Code and use of strong frontages along the perimeter to ensure that the proposed development is in full compliance with the rules and parameters of the approved Design Code for this Phase of development and the overriding Master Plan Development Framework and Principles Document.

Having considered all of the above it is considered that the proposed development is in compliance with the approved Master Plan Development Framework and Principles Document together with the subsequent Waverley Gate Design Code.

Highway Safety and Transportation 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.”*

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.”

A Transport Assessment (TA) was submitted in support of the original outline application which analysed traffic movements associated with the proposed new community on the local and strategic network and set out trigger points for improvements to various junctions around the site. The TA demonstrated that all existing and proposed junctions will operate safely whilst there is sufficient capacity within the network to accommodate any traffic generated by the proposals and these findings are accepted. It is therefore considered that the proposals would not result in harm to highway safety, subject to conditions.

A Travel Plan was submitted and subsequently approved as part of the outline planning application. This includes a range of measures to be incorporated into the overall design to encourage the use of sustainable modes of transport. It seeks to:

- Employment of a Travel Plan Coordinator
- Provision of Real Time Information Systems in apartment blocks and strategic locations across the site.
- Provision of Car Club facilities (min 2 cars) within the site and free membership for all occupants for the first year of their occupation.
- Travel Packs shall be issued to residents on the purchase of homes at the site.
- Subsidised Bus Fares - On first occupation each household to receive free an annual SYPTE Developers Travel Mastercard

It is considered that these proposals are acceptable, and should be subject to monitoring and review, in order to ensure their effectiveness and identify any further action/measures.

Turning to the issue of car parking provision, all properties have in curtilage provision in the form of driveways and integral or detached garages consistent with the Council's minimum standards for 2, 3 and 4. This is with the exception of the apartments whose parking is located within designated parking courts adjacent to their respective blocks. All parking provision accords with the Council's guidance which is contained within the document entitled 'The Council's Parking Standards (approved in June 2011)' with the exception of the apartment blocks. Ordinarily the Council's requires 1.5 spaces per unit and in this instance the site layout shows 1.25 spaces per unit. However the apartments are well located in terms of the planned bus route and the layout has been designed to discourage on street parking along Highfield lane. On balance therefore it is considered that the level of parking provision for the apartments is considered to be acceptable in this regard.

In general, the site has good access to public transport and local facilities, being within easy walking distance to existing and future bus stops located on Highfield Lane. Additionally, residents have the benefit of taking advantage from measures within the Waverley Travel Plan which seeks to promote more sustainable travel.

Taking all of the above into consideration, it is considered that this proposed reserved matters application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14 and SP26 and guidance within the NPPF.

Flood Risk and Drainage

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.”*

An Outline Surface Water Strategy Report was submitted as part of the outline application for the entire Waverley site and a Flood Risk Assessment Report has been submitted in support of this Reserved Matters application.

This Report has been prepared to address a condition of the outline permission which requires the development to be carried out in accordance with the approved Outline Surface Water Strategy. The report confirms that the site falls within land assessed as having less than a 1 in 1000 annual probability of river or sea flooding in any year (less than 0.1%), therefore all uses of the land are appropriate within this zone but an assessment of the effect of surface water run-off will need to be incorporated in any Flood Risk Assessment.

In support of this application, details relating to the proposed drainage of the site, together with storm sewer locations and a flood route plan have been submitted. These plans have been scrutinised by the Council’s Drainage Engineers who have confirmed that they are acceptable, however the flood routing plan requires further investigation prior to the commencement of development. The submission of this amended information can however be secured via a suitably worded condition.

Landscape, Green Infrastructure Provision and Ecology

Policy CS19 “Green Infrastructure” states, in part, 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...Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below –*

d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.”

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 proposals are for a further phase (2c) of residential development. This development parcel falls within the Waverley Gate Character area for which there is an approved Design Code. The proposals include the erection of 175 dwellings including houses and apartments. The Design Code for Waverley Gate sets out broad instructions for street hierarchies and the general approach to street trees and landscape provision. The landscape treatment along Highfield Lane is to be secured via the infrastructure application and will be delivered by Harworth. Accordingly, it is not included in this application.

The applicant has confirmed that the submitted landscape strategy is based on a Green Infrastructure devised as an integral part of the layout of the development which has evolved through the outline approval and subsequent Design Code for Waverley Gate.

Generally, the landscape proposals are considered to be in line with the approved design code and masterplan framework. However, no tree planting along the widened verge to the secondary streets have been shown on the landscape plan. The design code states small or fastigate species should be planted, with a minimum clear stem of 2m. Accordingly it is considered that a condition requiring the submission of a revised landscape plan which should incorporate the aforementioned tree planting will ensure that the development is fully compliant

Taking all of the above into account, it is considered that the above amendments can be secured via a suitably worded condition and subject to these amendments being incorporated into the future design of the open space the proposed development will be fully in accordance with policies CS19 “Green Infrastructure”, CS21 ‘Landscapes’ and SP32 ‘Green Infrastructure and Landscape’ together with the Waverley Gate Design Code.

Noise Considerations

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."*

Taking the above into consideration, a Noise Assessment has been submitted in support of the application which is also a requirement of the outline planning consent.

However, with regard to this area of the Waverley site, Noise Assessments have been undertaken previously and submitted to inform the masterplanning strategy and support a planning application for the construction of a noise bund and erection of 3.5m acoustic fencing along the western boundary of the site (Planning Application Ref: RB2018/1335).

The Noise Assessment which accompanied the bund application concluded that with suitable mitigation within the site, that noise not expected to have a 'significant adverse impact' on health or quality of life whilst not resulting in any existing business having unreasonable restrictions placed on them as a result of the development'.

The recommended mitigation measures, were detailed as follows:

- First tier of proposed dwellings along the western boundary of the site to 'front on' towards Foers with gardens positioned to the rear.
- Mitigation including an appropriate glazing and ventilation strategy to meet the BS 8233 / WHO criteria for internal habitable spaces.
- The installation of a 2.5m earth bund and 3.5m acoustic fence on top along the western boundary (As approved).

Justification was provided within the report to demonstrate that any significant adverse impacts would be appropriately mitigated including the context of how the adjacent industrial units operate. However, the Council remained concerned regarding the noise impact of Foers, particularly with regard to the extraction system and the chomper. Suggestions were therefore made to the applicant to consider approaching Foers to mitigate noise at source.

Accordingly, a specialist industrial acoustic design consultancy who have experience in controlling noise from plant including dust extraction systems, were commissioned to investigate options to control noise at source at Foers with regard to the extract and chomper plant, which are the principal sources of noise from this premises. Site visits were undertaken and as a result, the following noise control measures have been installed based on the recommendations

1. Installation of an aerodynamic insert on the dust extraction system external fans which specifically has reduced the fan noise at the blade passing frequency resulting in a broadband noise spectrum.
2. Installation of a 1.5m GRAMM absorptive noise barrier at ground level along the length of the plant including the chomper housing. The purpose of this barrier is to attenuate noise from a low level duct and fan which are the main sources of noise when the chomper is in operation.

The updated noise survey undertaken on 28th March 2019 was carried out with the following mitigation measures in place:

- 2.5m bund and, within Foers,
- the installation of the dynamic fan inserts and
- the 1.5m GRAMM barrier.

Taking all of the above into consideration and having regard to the results of the noise monitoring work following the implementation of mitigation works, the submitted Noise Assessment concludes by stating “The proposed development is not expected to have a ‘significant adverse impact’ on health or quality of life and it is considered that all ‘adverse impacts on health and quality of life’ (relating to noise) are mitigated by the use of appropriate mitigation...”

With specific regard to Plot 2c (this application), mitigation has included providing noise control at source with regards to the extraction plant and chomper at Foers and a barrier (2.5m bund and 3.5m acoustic fence) along the western boundary of the site. Installation of standard and higher specification, acoustic vents and double glazing into specific properties is also proposed.

The Council's Environmental Health department have been heavily involved in discussions relating to the scope of works needed to address previous concerns that existing industrial operations taking place on the Foers site and the JTF Retail site to the north may have the potential to adversely impact on future residential amenity. The submitted Noise Assessment has provided a detailed assessment of these impact son future residential development and confirms that “The noise mitigation identified above is sufficient to reduce the effects of identified sources of noise being currently emitted from the surrounding environment to prevent the adopted thresholds (within the context of BS 8233 and BS 4142) of where the Significant Observed Adverse Effect Level (SOAEL) would be exceeded for future residents’. This is supported by the predicated Noise levels in the report.

The predictions show that the residences in the centre of the site should not be adversely affected by noise, as they will be shielded by the properties around the perimeter of the site. The properties on the perimeter can be made to comply with the guidance criteria in BS8233 by layout and acoustic ventilation, though they are exposed to higher levels of environmental noise .

As a guide, the Significant Observed Adverse Effect Level (SOAEL) threshold levels for Private External Amenity Space (daytime) is 55dBLeq,16hrs. This level is set for enclosed gardens. However, the external noise environment illustrated in the Noise Assessment, shows that the front (non enclosed) garden of plots 46 – 56, 123 -127 and 173 -175 will exceed this level by up to 5.1dB. Though not of significance to the guidance, this illustrates that even following the works of environmental mitigation, this site will, in places, be exposed to undesirable environmental noise.

The plots exposed to higher environmental noise will in turn, generate predicted daytime front room levels within 1-3 dB of the SOAEL of 35dBLeq,16hr with windows closed.

Night time, all source (1st floor) predictions at plots 122 – 129 and 173 -175 are again within 1 dB of the SOAEL of 30dBLAeq,8hr. At second floor the threshold is exceeded at plots 120-122 by 1-1.5dB.

To safeguard future residents, regard has to be had to the tolerances for specific plots as outlined above, as they are within the expected range of error for environmental noise modelling, dependant on the accuracy of the assumptions used and onsite variables. It is therefore recommended that on site measurements to verify that the works of mitigation and build, have achieved the predicated noise levels to satisfy the Assessment Criteria in BS8233 which can be secured via planning conditions.

Having regard to the above and subject to appropriately worded conditions, it is considered that the existing industrial operations will not give rise to any loss of amenity to future residents by virtue of unacceptable noise levels subject to the predicted noise levels being met on site, nor will the existing industrial operator be restricted by future residential development on this site. The proposed development is, as a result considered to accord with the provisions of policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

Turning to the issue of Air Quality, the Government has named Rotherham as one of 23 areas in England where concentrations of Nitrogen Dioxide (NO₂) exceed statutory limits and are projected to continue to do so over and beyond the next 3-4 years. Rotherham MBC is a mandated Clean Air Zone authority and has been directed by the Secretary of State to produce and implement a plan for compliance with the statutory limits.

In particular, the Government's new [National Air Quality Plan](#) (NAQP) identifies a number of road corridors in the Sheffield and Rotherham area which are predicted to exceed the statutory limit on the annual average concentration of NO₂ by 2021, under a 'Business as Usual' forecast scenario. In particular, Defra's NAQP indicates breaches of the 40 µg/m³ limit on the A630 – A57 Parkway (from M1 J33 to the Sheffield boundary in Rotherham).

As access to the application site is via the A630 Parkway air quality must be considered as a material planning consideration. In this regard it is considered that the provision of electric vehicle charging points within all properties with a garage or side driveway should be provided in addition to fast charging points located within the apartment parking courts. This will assist in delivering the Government's National Air Quality Plan and conform with the requirements of Policies CS27 'Community Health and Safety' and SP52 'Pollution Control' and the principles of the NPPF.

Affordable Housing provision

Policy CS7 'Housing Mix and Affordability' states in part, that: "Sites of 15 dwellings or more..... shall provide 25% affordable homes on site."

The application includes the provision of 17.7% affordable housing, which is consistent with the outline consent for this phase of development (Phase 2) and equates to 31 units comprising of . 12 x 2 bed apartments, 12 x 2 bed terraced/semi detached, 2 x 2 bed Flat over Garage and 5 x 3 bed terraced/semi detached. The size, siting and tenure of the housing is acceptable and is considered to be in accordance with the Councils Affordable Housing IPS.

Planning Obligations

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

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

In this instance the planning obligations and their associated trigger points for their delivery were set as part of the approved outline permission (ref: RB2008/1372). These included the affordable housing provision, financial contributions towards education provision, delivery of green infrastructure and play areas, public transport and sustainable methods of travel.

This phase of development will result in the total amount of dwellings having detailed planning consent being 946 which will trigger the following obligations upon occupation of 915 dwellings:

- Local Equipped Area of Plan (LEAP)
- Local Area of Play (LAP)
- Youth Shelter
- Sum of £120,000 towards the cost of maintenance and improvement of 3 football pitches in Handsworth

Other S106 requirements are triggered at the following intervals:

- Every anniversary of the first occupation for a period of 20 years - £2,000 towards air quality monitoring
- Phase 2 - £5000,000 to be paid in equal instalments over 5 years for public transport improvements if necessary

Discussions have been ongoing between the landowner, Harworth and RMBC Planning Officers relating to the submission of a Design Brief for Highwall Park which will provide some of the obligations outline above prior to the 915 trigger point. Furthermore, Central Park has now been completed which accommodates the LEAP.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and are therefore considered to be acceptable and in full compliance with the requirements of the original S106 Agreement.

Conclusion

The principle of residential development on this site has been established under outline permission RB2008/1372, and renewed under RB2014/0775, RB2015/1460 and more recently RB2017/0743 and is therefore considered to be acceptable

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to have regard to the approved Masterplan Framework and Principles Document and the Waverley Design Code whilst taking account of later phases of development.

A variety of house types and sizes have been provided with an appropriate level of affordable housing provision. The applicants have also specifically designed certain areas to create a varied street scene and utilised the use of effective boundary planting where appropriate.

There are no objections to the proposals from the Council's Transportation Unit. Internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and Manual for Streets. The provision of Travel Master Passes and the implementation of a Travel Plan will ensure varied means of non-car mode travel is available to future residents.

The application site is not located within a Flood Zone. A comprehensive Flood Risk Assessment and Surface Water Drainage Strategy were submitted and approved as part of the outline approval and detailed drainage plans have been submitted in support of this application. A condition regarding the submission of an amended flood routing plan is to be attached to any permission.

In terms of the landscaping within the site, the applicants have submitted a landscaping proposal to accompany the application. There are no objections to the proposed planting schemes.

Concerns were raised regarding the impact of the adjacent industrial operator on the amenity of future residents, however conditions requiring further noise monitoring and mitigation (if necessary) are considered to adequately safeguard the potential for future complaints.

The applicants have indicated that they intend to provide 17.7% affordable housing units (31 in total) across this phase of the development and have indicated that these will be in the form of 2 and 3 bed units. This is in line with the approved percentage for the first phase of the wider development

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

- P18-5235-01 - Site Layout (Rev H) - 30.05.19
- P18-5235-103 - Landscape Proposals 3of3 (Rev B) - 29.05.19
- P18-5235-102 - Landscape Proposals 2of3 (Rev B) - 29.05.19
- P18-5235-101 - Landscape Proposals 1of3 (Rev B) - 29.05.19
- P18-5235-41 - Na44 (Op) (Rev 0) - 07.03.19
- P18-5235-40 - Na44 (As) (Rev 0) - 07.03.19
- P18-5235-21 - Sb-Apts Plans - (Rev0) - 07.03.19
- P18-5235-20 - Sb-Apts Elevaions - (Rev0) - 07.03.19
- P18-5235-22 - Pa25 (As-As-Op) - (Rev 0) - 07.03.19
- P18-5235-23 - Pa25 (As-Op-Op) - (Rev 0) - 07.03.19
- P18-5235-25 - Pt36-Pa34 (Op-As) - (Rev 0) - 07.03.19
- P18-5235-24 - Pt36-Pa34 (As-Op) - (Rev 0) - 07.03.19
- P18-5235-26 - Pa34 (As-Op) - (Rev 0) - 07.03.19
- P18-5235-27 - Nb31 (As-Op) (Rev 0) - 07.03.19
- P18-5235-28 - Nb31 (As-As-Op) (Rev 0) - 07.03.19
- P18-5235-29 - Nb31 (As-Op-Op) (Rev 0) - 07.03.19
- P18-5235-30 - Pt22 (Op) (Rev 0) - 07.03.19
- P18-5235-32 - Nt41 (Op) - (Rev 0) - 07.03.19
- P18-5235-31 - Nt41 (As) - (Rev 0) - 07.03.19
- P18-5235-34 - Nt40 (Op) - (Rev 0) - 07.03.19
- P18-5235-33 - Nt40 (As) - (Rev 0) - 07.03.19
- P18-5235-35 - Nb41 (As-Op) - (Rev 0) - 07.03.19
- P18-5235-37 - Nd40 (Op) - (Rev 0) - 07.03.19
- P18-5235-36 - Nd40 (As) - (Rev 0) - 07.03.19
- P18-5235-39 - Nd41 (Op) - (Rev 0) - 07.03.19
- P18-5235-38 - Nd41 (As) - (Rev 0) - 07.03.19
- P18-5235-16 - Streetscenes A And B (Rev 0) - 07.03.19
- P18-5235-14 - Site Sections 1-1 And 4-4 (Rev 0) - 08.03.19
- P18-5235-15 - Site Sections 2-2 And 3-3 (Rev 0) - 08.03.19
- P18-5235-13 - Bin Store (Rev 0) - 01.03.19
- P18-5235-12 - Cycle Store (Rev 0) - 01.03.19
- P18-5235-11 - Bin-Cycle Store (Rev 0) - 01.03.19
- P18-5235-09 - Single Garage (Rev 0) - 01.03.19
- P18-5235-10 - Twin Garage (Rev 0) - 01.03.19

P18-5235-07 - 0.95m Post And Wire Fence (Rev 0) - 01.03.19
P18-5235-08 - 0.6m Knee High Rail (Rev 0) - 01.03.19
P18-5235-06 - 1m Metal Railings (Rev 0) - 01.03.19
P18-5235-05 - 1.8m Timber Fence (Rev 0) - 01.03.19
P18-5235-03 - 2.5m Acoustic Fence (Rev 0) - 01.03.19
P18-5235-04 - 1.8m Brick Wall (Rev 0) - 01.03.19
P18-5235-02 - Location Plan (Rev 0) - 01.03.19
18507-R11-19-Xx-Dr-C-100a General Arrangement

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site to include the correct colour mortar and window frames. The development shall be carried out in accordance with the approved details.

Reason

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

Transportation

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained in accordance with the Local Plan

05

Before the development is brought into use the car parking areas shown on the site layout (REV H) – Ref: P18-5235-01 - dated 30.05.19 shall be provided, marked out and thereafter maintained for car parking for that plot.

Reason

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

06

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

Drainage

07

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

Reason

To ensure that the development can be properly drained in accordance with Local Plan Policies

Contamination and ground condition

08

Foundation design across the site shall be undertaken in accordance with section 3.1, subsections 3.1.1 – 3.1.5 of the report entitled 'Earthworks Settlement Assessment (Skip Load Testing) – Waverley Gate – prepared by RSK Environment Ltd, dated March 2019, Final Version.

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.

09

Prior to the commencement of development, details of gas protection measures for all new builds shall be submitted to and approved in writing by the local Planning Authority. The details shall comprise of the following:

- a) a cast in situ floor slab with a lapped and taped minimum 1200g membrane (reinforced); or
- b) a beam and block or pre cast floor slab with a lapped and taped minimum 2000g membrane; and
- c) under floor venting in combination with either of (a) or (b) above
- d) All joints and penetrations should be sealed

The development shall thereafter be carried out in accordance with the approved details.

Reason

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

10

Installation of the gas protection measures shall to be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

Reason

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

11

In the event that subsoil's / topsoil's are required to be imported to site for soft landscaping works / garden areas, 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. If materials are imported to site then the results of testing thereafter shall be presented to the Local Authority in the format of a Validation Report.

Reason

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

12

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

Reason

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

13

No above ground development shall take place until details of suitable water supply pipes have been submitted to and approved in writing by the Local Planning Authority to ensure resistance from chemical attack from residual contaminants remaining in the 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

14

A design sulphate classification of DS-2 and the corresponding aggressive chemical environment for concrete (ACEC) AC-2 shall be adopted for all sub surface concrete due to the elevated soluble sulphate content within the soils and made ground across the site.

Reason

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

15

Following completion of any remedial/ground preparation works in accordance with Condition 12, a Validation Report should be forwarded to the Local Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

Reason

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

Environmental

16

Prior to the construction of plots 46 – 56, 120 -129 and 173 -175, following the completion of the acoustic bunds and fences which are to be located beyond the western/northern boundary and adjacent to JTF, site verification of the noise modelling shall be carried out. The All Sources, external LAeq 16hr /8hr, daytime and night time predicted sound levels shall be verified by onsite measurement, using the methodology identified in the submitted WYG Noise Assessment dated May 2019. The measurement locations should correspond to plots 53, 122-123 and 175. The results shall be submitted to and approved in writing by the Local Planning Authority. If in the event that the noise levels exceed those predicted in the submitted WYG Noise Assessment, dated May 2019, by more than 2dB, additional mitigation will be required to reduce the external noise levels to those predicted in the report or below. A scheme detailing this additional mitigation with associated modelling shall be submitted to and approved in writing by the Local Planning Authority. Any approved scheme shall be put in place prior to the occupation of these plots and retained in a condition to deliver the designed level of sound mitigation for the lifetime of the development hereby approved or the lifetime of the adjacent industrial operation.

Reason

To ensure that actual noise conditions are as predicted and in the interests of the amenity of future residents

17

Upon completion of construction but prior to the occupation of plots 46 – 56, 120 -129 and 173 -175, each of these units will be subject to further on site acoustic measurement to verify that the residences have achieved or be below the SOAEL Noise Criteria described in table 2.1 on page 5 of the submitted WYG Noise Assessment report. The results for each unit shall be submitted to and approved in writing by the Local Planning Authority. If measured noise levels for Living Rooms, Bedrooms and Private Amenity Space exceed SOAEL, further mitigation will be required to achieve the SOAEL Criteria for each plot before occupation of that dwelling takes place. This is required to deliver the acoustic environment described by the WYG (May 2019) report and on which this permission was given.

Reason

To ensure that actual noise conditions are as predicted and in the interests of the amenity of future residents

18

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays.

Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of the amenity of the locality and in accordance with Local Plan Policies

19

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.

Reason

In the interests of the amenity of the locality and in accordance with Local Plan Policies.

Landscape & Ecology

20

Prior to the commencement of development a biodiversity mitigation statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The statement should include details of all measures given in the Waverley Ecological Checklist – Pre Work Assessment for Housing Development Phase 2c (15/03/2019) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

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

21

Prior to the occupation of the first dwelling a scheme outlining the provision of on-site nesting facilities for birds and roosting facilities for bats shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason

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

22

No above ground development shall take place until an amended detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

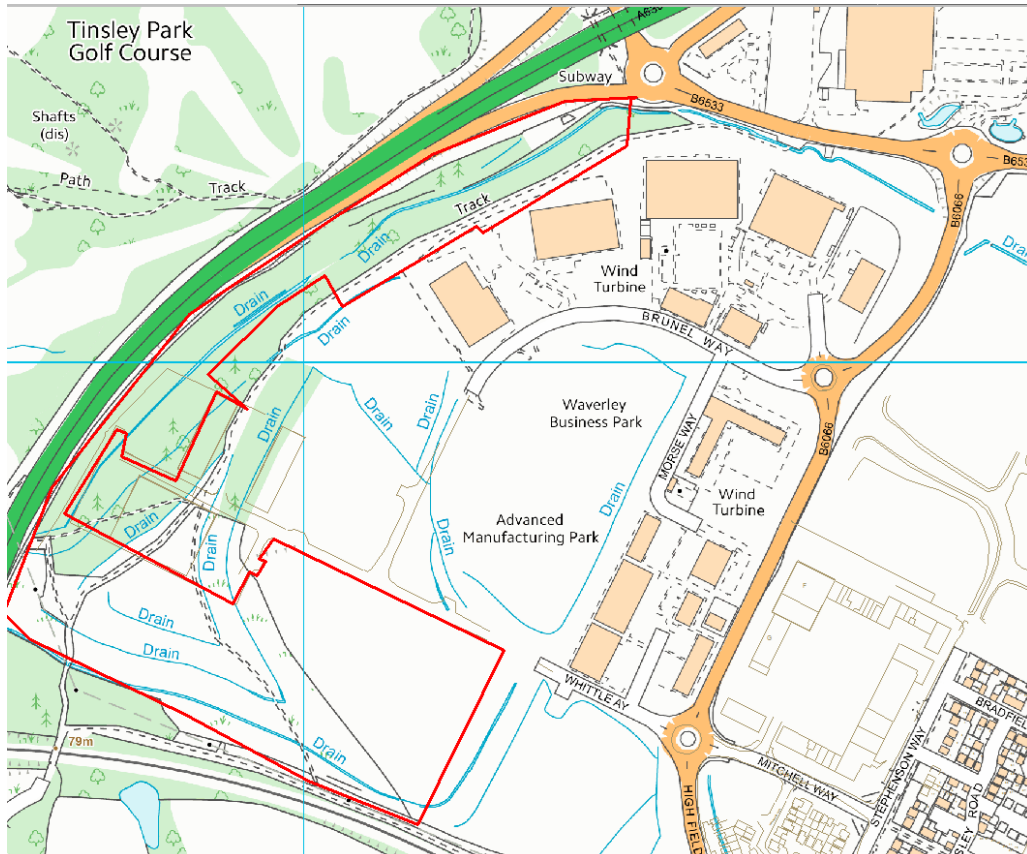
To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with policies CS19 “Green Infrastructure”, CS21 ‘Landscapes’ and SP32 ‘Green Infrastructure and Landscape’

Informatives

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/0574
Proposal and Location	Outline planning application for up to 40,000 sqm of Class B1, B2 and B8 floor space with all matters reserved except for details of structure landscaping along the Sheffield Parkway (A630) frontage at land adjacent to the Advanced Manufacturing Park, High Field Spring, Waverley
Recommendation	Grant subject to conditions



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

Site Description & Location

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

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

Background

The following applications are relevant to the application site –

RB2018/0361 - Outline planning application for up to 40,000 sqm of Class B1, B2 and B8 floor space with all matters reserved except for details of structure landscaping along the Sheffield Parkway (A630) frontage. – Granted Conditionally 22/06/2018

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

RB2008/0822 - Application for variation to condition 22 (highway improvements to be made to High Field Spring before 10,000m² of buildings are occupied), condition 23 (highway improvements to Poplar Way & Big W Roundabout to be made before 10,000m² of buildings are occupied) and condition 29 (bridge for footpath/bridleway over Sheffield Parkway to be provided before 10,000m² of buildings are occupied) and imposed by RB2003/0046 to allow 23,225m² of buildings to be occupied before all works are implemented, and for the variation of condition 35 (bus shelters to be provided on High Field Spring before any buildings are occupied) and imposed by RB2003/0046 to allow the bus shelters to be provided within one month after the completion of works required by condition 22, or within 12 months of the date of this planning permission, whichever is sooner - Granted conditionally 07/08/08

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

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

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

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

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

EIA Screening Opinion

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

Proposal

Members may recall that an application was submitted and subsequently approved in June 2018 for outline planning permission for up to 40,000 sqm of Class B1, B2 and B8 floor space with all matters reserved except for details of structure landscaping along the Sheffield Parkway (A630) frontage.

This current application is identical; however it seeks to amend the timescale for delivery from 3 years to 15 years, this is primarily due to the scale of the development, together with the fact that the AMP development is built out on an occupier led basis. Accordingly the applicant considers that three years to submit all Reserved Matters, and a further two years to implement each Reserved Matters application is not sufficient for the size and scale of the development.

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

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

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

The application has been supported by the following documents –

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

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

Flood Risk Statement confirms that the site is located within a wider area allocated as Flood Zone 1 on the Environment Agency's Flood Maps. There are no other significant flood risks that will adversely impact on the development proposals that are the subject of the application. The proposals will not have an adverse impact on flood risk to areas adjacent to the site or increase downstream flood risks.

Transport Assessment assesses the impact of the proposed development on the local highway network and confirms that detailed junction analysis has been undertaken which confirms that the two access roundabouts have significant reserve capacity to accommodate demand from development of the industrial site both today and in 2022.

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

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

Additional information has also been submitted to address the requirements of conditions attached to the previous consent (RB2018/0361). These include the following:

- Material Samples;
- Footpath and Cycle Scheme Plan;
- Approved Detailed Landscaping Scheme;
- Biodiversity Mitigation Statement;
- Approved Arboricultural Method Statement;
- Areas Plan;
- Condition Schedule

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 which was adopted by the Council on the 27th June 2018.

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

Core Strategy

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

Sites and Policies Document

- 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
- 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

Other Material Considerations

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

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

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

Publicity

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

Consultations

RMBC - Transportation and Highways Design – previously assessed the proposals and considered its impact on the local highway network to be acceptable. The additional information submitted in relation to previously imposed conditions is also considered to be acceptable.

RMBC - Landscape Design – acknowledge that the proposals do not differ from the approval in 2018. The submitted detailed landscape plans are considered to be acceptable.

RMBC - Trees and Woodland Manager – raise no objections to the proposed development and concur with the findings in the submitted arboricultural report.

RMBC – Ecologist.- have assessed the content of the submitted Biodiversity Mitigation Statement and concur with the conclusions and recommendations. Accordingly it is recommended that the application is granted conditionally upon these recommendations being carried out.

RMBC – Public Rights of Way – have confirmed that they regularly liaise with the landowner, Harworth regarding the site in general and are pleased the company continues to develop access in the line with the overall access masterplan and welcome this next stage of the network.

Highways England – originally raised concerns that the proposed 15 years was unacceptably long. Principally, such a prolonged interlude between the granting of outline consent and the advancement of Reserved Matters would, in their opinion, render any previously accepted traffic and highway conditions (both baseline and future year) assessed within the 2018 application as largely unrepresentative and increasingly redundant for the purposes of any Highways England planning assessment. However a condition requiring the submission of applications at regular intervals throughout the 15 year period has been agreed which has alleviated the concerns.

Appraisal

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

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

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

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

- The Principle of the Development
- Timescales for Implementation
- Transportation Issues
- Footpath and Cycle Connections
- Drainage and Flood Issues
- Landscape and Ecology
- Trees
- Air Quality Considerations
- General Amenity Issues
- Geotechnical Issues

The Principle of Development

The principle of development was established in June 2018 under reference RB2018/0361, however since its approval in June 2018 the Council have adopted the Sites and Policies Document.

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

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

The proposed uses are in line with Policy SP 16 Land Identified for Industrial and Business Uses states that:

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.

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

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

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

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

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

Timescales for Implementation

As highlighted above, consent RB2018/0361 approved the outline development in principle and the applicant still wants to pursue the submitted scheme. However, the timescales set out in Condition 1 do not currently reflect the phased build out programme for the development.

Given the scale and size of this development, together with the fact that the AMP development is built out on an occupier led basis, three years to submit all Reserved Matters, and a further two years to implement each Reserved Matters application is not sufficient for the size and scale of the development.

Whilst the applicant intends to predominantly build out the development (as opposed to selling off the development plots for occupiers to build), most plots and buildings are designed specifically based on occupier requirements and therefore, they consider it will not be possible to work within the parameters of Condition 1 as set out on permission RB2018/0361.

Accordingly the application seeks permission for a more flexible approach which will require them to submit all Reserved Matters applications within 15 years of the consent and implemented within 2 years from each of the Reserved Matters consents. Whilst it is envisaged the development would be constructed well within these timescales, given each plot would most likely require separate Reserved Matters applications, this level of flexibility is being applied for.

Furthermore, and given the requirements of the AMP, occupiers have to be chosen selectively in line with the AMP and Advanced Manufacturing and Innovation District aims and objectives. The design and development of each plot therefore generally takes longer than a speculative build. Accordingly, 15 years would allow this high-quality comprehensive development to come forward in a way that would ensure the right occupiers can be located within this advanced manufacturing and innovation hub.

Taking all of the above into account, it is considered that a 15 year permission is not unreasonable in this instance as it will provide the applicant with the required amount of flexibility to build out the permission in accordance with the aims and objectives of the AMP and Advanced Manufacturing and Innovation District.

Transportation Issues

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

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

Local Plan Policy SP26 'Sustainable Transport for Development' states that: "Development proposals will be supported where it can be demonstrated that:

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

- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access;

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

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

The application is supported by a Transport Assessment (TA) and a Travel Plan (TP) was submitted with the previous application. Collectively they consider the application in the context of trip generation, traffic impact and sustainability. The following was assessed under the 2018 application; however it remains relevant to this application.

Having regard to trip generation, the proposed development is based on the gross floor area (up to 40,000 sq m of B1, B2 and B8 uses). This indicates that some 316 No. two way trips in the AM peak and some 224 No. trips in the PM peak can be expected. However, when trip generation using rates observed in 2016 are used, the number of trips is reduced to 202 No. (AM) and 86 No. (PM). The impact on traffic on the A630 Parkway is therefore likely to be much less than initially indicated in the TA.

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

Having regard to the extension of time to submit applications for Reserved Matters from 3 to 15 years, originally this was a matter of concern by Highways England as they considered that a period of fifteen years was unacceptably long. Principally, such a prolonged interlude between the granting of outline consent and the advancement of Reserved Matters would, in their opinion, render any previously accepted traffic and highway conditions (both baseline and future year) assessed within the 2018 application as largely unrepresentative and increasingly redundant for the purposes of any Highways England planning assessment.

In response to this, discussions were held between the applicant and Highways England to explain the land owner's position in terms of bringing the site forward for development. In this regard, it was clarified that it was never the applicant's intention to 'sit on the permission' for 14 years prior to submitting the first application for Reserved Matters. The reason for the extended timeframe was to allow development to come forward on a plot by plot basis at regular intervals throughout the 15 year period. Accordingly, and following the discussion with Highways England it was agreed that a revised condition be attached to any planning permission that requires the submission of the first application for reserved matters within 3 years of the permission. Thereafter, applications for approval of all subsequent reserved matters relating to all additional plots shall be made to the Local Planning Authority before the expiration of three years from the date of approval of the reserved matters of the preceding plot and the application for the final reserved matters shall be made before the expiration of 13 years of the permission.

These safeguards are considered to be acceptable and satisfy the earlier concerns raised by Highways England. As such the extended timescale for the submission of applications for reserved matters is considered to be acceptable and will not have a material impact on the strategic highway network.

Turning to the impact of the development on the local highway network, an assessment of various junctions has been carried out. The Highfield Spring/Brunel Way/Wallis Way roundabout is shown to function well under current conditions and is considered to be capable of accommodating the development traffic in 2022. The Highfield Spring/Whittle Way/Mitchell Way roundabout will continue to function past the development year and there appears to be additional capacity remaining. Lastly the Highfield Spring/Highfield Lane roundabout will continue to operate within capacity in 2022 with the development. This increase in timescales for the submission of applications for reserved matters will not alter this assessment and as such no objections are raised.

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

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

A condition (No.6) was attached to the previous application (RB2018/0361). as part of this application, the applicant is seeking to amend the wording of the condition which requests road sections, constructional and drainage details to be submitted and approved prior to the commencement of development of each Area or Sub-Area.

Given the scale of the site, the implementation of the consent will need to be undertaken in a phased approach and seek to obtain reserved matters for each plot ('Area') separately or in small parcels ('Sub Areas'). This phasing is proposed to be based on an occupier demand approach. The submitted masterplan is only indicative, therefore it is unknown at this stage what the final layout of the development plots will be.

It is therefore also difficult to predict the exact layout of the roads required, given the size and scale of the plots will be dependent on occupier requirements (all within the parameters of the outline consent). Accordingly, it is considered that an amendment to this condition to require the necessary road construction detail prior to commencement of each Area or Sub-Area is an acceptable approach.

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

Turning to the Travel Plan (TP) measures, the consented development was accompanied by a TP which recognised that there is no single measure that will provide an alternative to the private car for the variety of trips they would expect to be made to and from the employment site. As such, a range of measures have been identified that seek to provide travel options for the majority of staff trips. It is also recognised that as measures are put in place, some will be found to provide greater benefits than others and it is necessary to ensure that the TP is not too fixed towards the delivery of set measures and is flexible enough to react to changes over time.

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

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

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

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

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

Having regard to this, it was considered that it would be appropriate to request this additional information in the form of a revised Travel Plan prior to the submission of the first Reserved Matters. Accordingly, an appropriately worded condition was attached to the consented scheme to safeguard any impacts on the local and strategic highway network whilst also promoting sustainable modes of travel.

In response to this, an amended TP has been submitted as part of an application to discharge the condition, however due to timescales, its content has not been fully reviewed by Highways England at the time of writing this report. Accordingly, it is recommended that the condition for an amended TP is re-imposed on this permission to ensure the aims and objectives are met.

Having regard to all of the above, the TA shows that the development will have some effect on local traffic. However, it is in a sustainable location with good walking, cycling and public transport infrastructure. With proper attention to travel planning details and public transport provision, the site can be developed with a minimum impact on the local highway network within the 15 year timescale proposed. Accordingly, the development is considered to be acceptable in transportation and highway terms and as such accords with the provisions of Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel, Emerging Local Plan Policy SP29 'Sustainable Transport for Development' and Paragraph 34 of the NPPF.

Footpath and Cycle Connections

As part of this submission, a plan has been provided to show the existing and proposed pedestrian and cycle linkages. The plans show how the proposed linkages will connect into the existing network of paths. This detail was required by Condition 8 of planning permission RB2018/0361.

The paths will be constructed and linked to the existing network of cycle and pedestrian links. The main footpath and link on Whittle Way is predominantly in place at present. The link to the west which will join the permissive path alongside the AMP (which is proposed to be upgraded) will be connected in conjunction with the proposed landscaping scheme for the Parkway edge. The cycle link will be implemented on a phased basis..

Drainage and Flood Issues

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

Furthermore policy SP47 'Understanding and Managing Flood Risk and Drainage' indicates that "The Council will expect proposals to:

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

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

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

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

Having regard to conditions attached to RB2018/0361, conditions 9, 10, 11, 12 and 13 require the detail of the two specific drainage schemes (foul and surface water) as well as a Flood Risk Assessment, Flood Route plans and other drainage requirements.

The exact layout of the development has not been finalised and as the proposed development will come forward on a phased basis, which will be occupier led, the exact drainage and flood risk details are not certain at this stage. It is therefore recommended to impose conditions requiring the submission of information on a phased basis which will provide flexibility on when the detail is required.

Landscape and Ecology

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

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

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

Furthermore, policy SP32 is designed to ensure that new development pays due regard to the protection, enhancement, creation and management of green infrastructure in the Borough, including the landscape. Such an approach accords with relevant policies and guidance in the Core Strategy and the NPPF

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

To address this requirement a strategic landscape masterplan and supplementary detailed strategy drawings were submitted as part of the 2018 application. These set out the vision for future detailed landscape proposals.

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

Retained and Improved Woodland:

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

Structure Landscaping creating Key Views:

This area is referred to as the remainder of the Sheffield Parkway boundary. Prominent tall individual trees will be retained with their crowns raised to 3m high to ensure views through to the AMP. New tree planting is proposed to form parkland groups. Understorey species are proposed to be selectively removed and the species retained to be cut to 1m in height to form a shrub layer. Further understorey shrub layer planting is proposed to form structure to the proposed planting and to frame the views into the AMP site. The shrub layer together with species rich grassland will help form a 'parkland setting', whilst a ribbon of mown amenity grass along the development edge will help merge the ornamental plot planting into the boundary structure planting.

New Semi Woodland Cycle path:

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

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

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

Accordingly, no objections were raised to their removal and pruning of the identified trees subject to a condition requiring that retained trees are suitably protected during development. Additionally a condition was imposed requiring the submission of a detailed landscape scheme for the structural perimeter landscaping. This information has been submitted as part of this application and has been assessed by the Council's landscape department, who consider that the detailed proposals reflect the strategy outlined in the previously approved masterplan and provide adequate mitigation and suitable enhancement in order to satisfy policies CS19, 21 and SP32.

Turning to ecological considerations, the original application was accompanied by an Extended Phase 1 Habitat Survey. This report confirmed that regular surveys had been undertaken on site, the most recent being on the 10th August 2017 with a further ground trothing survey on the 11th December 2017.

Condition 16 of the permission required a biodiversity enhancement statement to be submitted to and approved by the Local Planning Authority prior to the commencement of works. A Biodiversity Mitigation Statement has been submitted as part of this application which sets out measures to mitigate and enhance biodiversity on this site.

This statement therefore seeks to address the information required by Condition 16 of the 2018 consent. The Council's Ecologist has considered the content of this document and confirms that the measures outlined are acceptable. Accordingly, the condition has been reworded to become a compliance condition in line with its recommendations.

Additionally, Condition 18 of the RB2018/0361 consent requires further information to be submitted to detail proposals for the creation of long-term bat roosting opportunities to be integrated or externally mounted on the new buildings. This detail is not yet submitted due to the exact buildings to be developed on site are not known. Given the phased approach to development of this site over the next 15 years, the exact detail for this condition will not be known until each Reserved Matters application is prepared and submitted. The applicant therefore seeks to amend the trigger for this condition on this application to provide details of long-term bat roosting opportunities with each Reserved Matters application, which is considered to be an acceptable approach.

Having regard to this, it is considered that in terms of ecological implications the application is acceptable and in accordance with Policy CS21 'Landscape'.

Trees

A tree survey was undertaken as part of the consented outline permission (RB2018/0361) which helped to inform the structural landscaping proposals for the site.

Following on from this work, Condition 19 of the consent requires a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, to be submitted and approved by RMBC prior to the felling of any vegetation on site.

Along with Condition 14, the detail required for condition 19 was submitted and approved on 25th March 2019 under consent Ref: RB2019/0321. Condition 19, has therefore been reworded to become a compliance condition in line with the approved documents.

Air Quality Considerations

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

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

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

- For current and future employees, it is important to promote alternatives to single-occupancy car use and Travel Packs will be provided to all employees;
- Links to the various public transport and walking/cycling route maps provided by the Council and Travel South Yorkshire will be promoted. Copies of the route maps should also be included in the Travel Packs;
- Staff will be kept up to date on progress of the Travel Plan through an annual newsletter to coincide with preparation of the Annual Monitoring Report;
- There will also be promotion of local and national events such as bike week, walk to work week and national lift share week;
- An employee car share scheme will be established to match up employees from similar areas and working the same shifts and to encourage car share through demonstrating the potential monetary and environmental savings that can be achieved;
- All employees will also be made aware of the existing car share schemes such as Cars hare South Yorkshire;

- Safe and secure cycle parking facilities will be provided on site; Cycling will be encouraged through the promotion of health benefits and the financial savings that can be achieved;
- The cycle network provides strong links to adjacent communities and existing cycle routes;
- Public transport route maps will be provided to each employee;
- The Travel Plan Co-ordinator will investigate offering staff loans for season tickets; and
- Four electric vehicle “rapid charge” points will be installed on site.

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

General Amenity

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

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

Having regard to the above it is considered that there is potential for neighbouring businesses or residential properties to be affected by noise and vibration depending on the type of industrial machinery installed and on the acoustic insulation provided to the buildings. No Noise Assessment has been submitted as part of this application as it would be almost impossible to predict what plant and machinery would be required for each unit given the buildings could be constructed on a speculative basis. In order to address this point it is recommended that a condition be imposed requiring a full Noise and Vibration Assessment to be carried out and submitted in support of all future Reserved Matters applications which will enable a full assessment of impact to be carried out and if required noise mitigation measures to be installed within the fabric of buildings.

On this basis it is considered that the proposed development can be accommodated on this site in compliance with the provisions of Policy SP52 Pollution Control which seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

Geotechnical Issues

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

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

The Coal Mining Risk Assessment (CMRA) has further identified potential coal mining issues which may require mitigation and consequently necessitate further assessment by intrusive investigation. This includes confirmation of the suitability of the opencast backfill, location of the highwall by intrusive investigation, investigation of possible shallow coal workings and location of existing mine entries.

This information has been assessed by the Coal Authority who concur with the findings of the report, however, in the absence of any mitigation measures relating to potential ground gas issues it is recommended that a condition be appended to any planning approval requiring these be incorporated into the proposed development.

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

Conclusion

The site has extant outline consent in place, and this application simply provides additional information which was required by some of the pre-commencement conditions as well as to add greater flexibility on timescales for implementation and triggers to allow the development to come forward on a phased basis.

The application seeks permission in outline for B1 (b) & (c), B2 and B8 uses on a site that is allocated for Industrial and Business Use within the adopted Rotherham Unitary Development Plan. The proposal is therefore considered to be acceptable in principle.

The impact of the proposal on the local and strategic network is considered to be minimal. The level of car parking provision is in accordance with the Councils maximum parking guidelines, and the site is considered to be in a sustainable location with access to public transport. The development is therefore considered to be in accordance with the policies of achieving sustainable development in the NPPF and with relevant policies in the sites and policies document.

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

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

Conditions

01

Applications for approval of reserved matters for the first plot shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Thereafter, applications for approval of all subsequent reserved matters relating to all additional plots shall be made to the Local Planning Authority before the expiration of three years from the date of approval of the reserved matters of the preceding plot.

The development of the first plot shall be begun within five years of the date of this permission or before the expiration of two years from the date of approval of the reserved matters to be agreed for the first plot, whichever is the later. All further plots shall be commenced within two years of the approval of the reserved matters for that particular plot.

Application for the final reserved matters shall be made before the expiration of thirteen years before from the date of this permission and the development permitted by the final reserved matters shall be begun before the expiration of two years from the final approval of the reserved matters.

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)

- Location Plan – 12491-100 Rev B
- Areas Plan – 13204-113 Rev E

Reason

To define the permission and for the avoidance of doubt.

MATERIALS

03

No above ground development shall take place within each area or sub area as identified on plan ref: 13204-113 Rev E until details of the materials to be used in the construction of the external surfaces of the development of that area or sub area 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 of that area or sub area shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Policy SP55 Design Principles.

TRANSPORT

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

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

Reason

In the interests of highway safety.

06

Before the development of each Area or Sub Area is commenced road sections, constructional and drainage details for that Area or Sub-Area shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

07

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

Reason

In order to promote sustainable transport choices.

08

Prior to the approval of the first reserved matters for Sub -Areas D1 and D2, a detailed scheme showing the cycle linkages as indicated in purple on plan ref: 13204 - COND - 8 -01 Rev D shall be submitted for approval and prior to approval of the first reserved matters for Sub -Areas D3 or C2, a detailed scheme showing the cycling linkages as indicated in green on the plan 13204 -COND - 8 -01 Rev D shall submitted for approval. The detailed schemes shall be implemented in accordance with an approved programme for implementation.

Reason

In order to promote sustainable transport choices.

DRAINAGE

09

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

Reason

In the interest of satisfactory and sustainable drainage

10

Development of each Area or Sub-Area shall not begin until details of any alterations to existing land drainage or watercourse for that Area or Sub-Area have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be properly drained in accordance with Policies CS25 'Dealing with Flood Risk and SP47 Understanding and Managing Flood Risk.

11

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

Reason

To prevent pollution of any watercourse in accordance with Policies CS25 'Dealing with Flood Risk and SP47 Understanding and Managing Flood Risk

12

Development of each Area or Sub-Area shall not begin until a Flood Risk Assessment for that Area or Sub-Area, based on existing flood risk, proposals to mitigate flood risk and sustainable drainage principles for the development, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be properly drained in accordance with Policies CS25 'Dealing with Flood Risk and SP47 Understanding and Managing Flood Risk

13

A flood route drawing for each Area or Sub-Area 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 of that Area or Sub-Area shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with Policies CS25 'Dealing with Flood Risk and SP47 Understanding and Managing Flood Risk

LANDSCAPE

14

Structural planting shall be implemented in accordance with the following approved plans and the Phasing Implementation Plan.

- Drawing V13204 – L100A – Perimeter Landscape Masterplan
- Drawing V13204 – L101A – Perimeter Landscape – Detail Area 01
- Drawing V13204 – L102A – Perimeter Landscape – Detail Area 02
- Drawing V13204 – L103A – Perimeter Landscape – Detail Area 03
20879/A5 28 March 2019
- Drawing V13204 – L104A – Perimeter Landscape – Detail Area 04
- Drawing V13204 – L105A – Perimeter Landscape – Detail Area 05
- Drawing V13204 – L106A – Perimeter Landscape – Specification
Drawing V13204 – D101 – Perimeter Landscape Tree planting detail

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policy CS21 Landscape.

15

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

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

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policy CS21 Landscape.

16

Each Area or Sub-Area being brought into use, the biodiversity enhancement statement relating to that Area or Sub-Area shall be implemented in accordance with the agreed schedule for implementation.

Reason

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

17

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

Reason

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

18

All subsequent applications for the approval of reserved matters shall be accompanied by proposals for the creation of long term bat roosting opportunities which shall be integrated or externally mounted on the new buildings hereby approved. The approved scheme shall thereafter be implemented for the lifetime of the development.

Reason

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

19

The felling of any vegetation on site within each Area or Sub-Area shall be undertaken in accordance with the approved details within the Arboricultural Method Statement, AWA, January 2019, reference AWA2448 and Tree Report, AWA, January 2019, reference AWA2200 Rev A, for that Area or Sub Area.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Policies CS21 Landscape and SP32 Green Infrastructure and Landscape.

ENVIRONMENTAL

20

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

Reason

In the interests of the amenity of the locality and in accordance with of Policy SP52 Pollution Control.

21

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

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Policy CS 28 Sustainable Design

22

Prior to commencement of development, a Construction Management Plan for each Area or Sub-Area shall be submitted to and approved in writing by the Local Planning Authority where relevant, detailing the following:

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

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

Reason

In the interests of the amenity of the locality and in accordance with Policy SP52 Pollution Control.

23

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

Reason

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

24

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

Reason

In the interests of the amenity of the locality and in accordance with of Policy SP52 Pollution Control.

25

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

Reason

In the interests of the amenity of the locality and in accordance with of Policy SP52 Pollution Control.

Informative

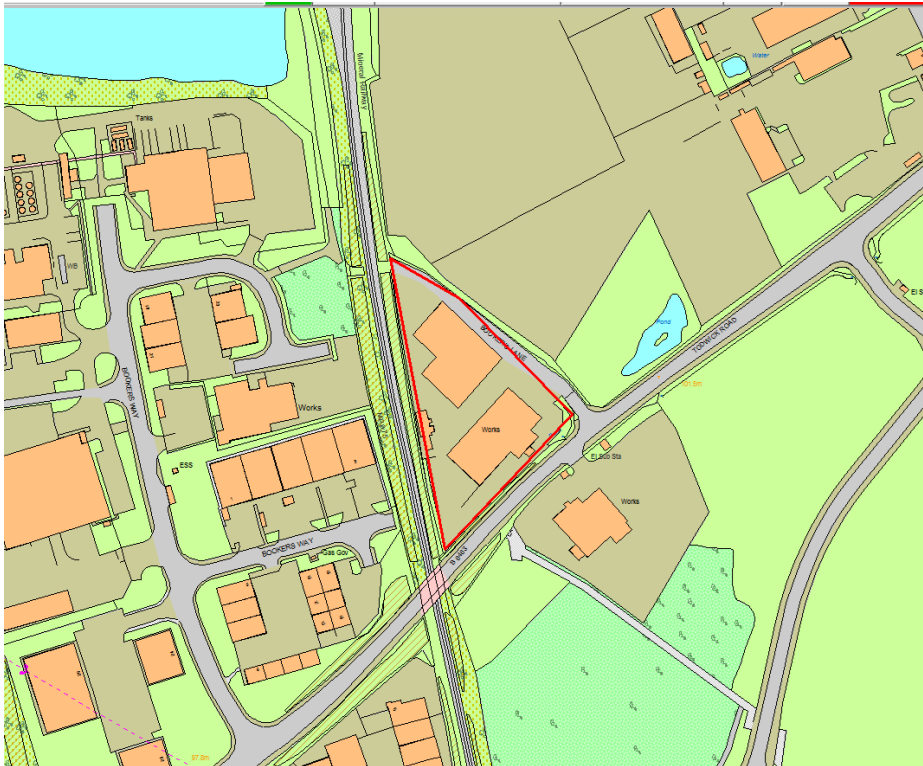
01

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

Positive and proactive statement

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

Application Number	RB2019/0603
Proposal and Location	Erection of industrial building (Use Class B2) at Hodge Clemco, Todwick Road, Dinnington, S25 3SE
Recommendation	Grant subject to conditions.



This application is being presented to Planning Board as it is a 'Major' development.

Site Description & Location

The application site sits to the north of Todwick Road on the western edge of Dinnington, within a predominantly industrial and commercial area.

The site sits at a slightly lower land level to Todwick Road which rises in this location over a railway line that runs along the site's western boundary, beyond which are more industrial and commercial premises.

The site currently comprises of a single building towards the rear (northern) part of the site with hardstanding to the front. There is a concrete base on the southern part of the site where a former industrial building stood until it was subject to fire damage and had to be demolished due to it being unsafe.

There is a paladin fence around the site's perimeter with sporadic trees and hedges planted along the southern elevation adjacent Todwick Road.

Background

There have been numerous applications submitted relating to this site, the most recent of which is:

RB2016/0411 – Erection of storage/workshop – Granted Conditionally

This was for an extension to the building that has since been demolished after being severely damaged by a recent fire.

Proposal

The application is for a new industrial building to replace the one that has recently been demolished on site due to the fire damage.

The unit would be located in a very similar location to the previous one and would be a double storey height unit to be used for the storage of recycled specialist abrasive products which are manufactured in the adjacent unit on site. Support staff welfare and administrative facilities will also be accommodated in the new building.

The building would be slightly larger in area than the one it replaces, but would be similar in height. The floor area increase of 324 sq. metres results in a building 51m x 34m x 7.5m with a 7.5 degree roof pitch.

The building would be finished with green metal sheeting above a masonry brick plinth.

In support of the application the following documents have been provided:

Design and Access Statement

This document provides details on the site, the design, scale and appearance of the building, access arrangements, landscaping, transport statement and drainage information.

Tree Survey

The document concludes that all existing trees and hedges will remain unaffected and retained on site.

Drainage Design Strategy

The drainage strategy for this facility includes the use of existing drainage infrastructure being cognisant that there is no increase in surface water or foul water.

Land Contamination Assessment

Provides correspondence from the Council's Land Contamination Officer.

Coal Mining Risk Assessment

Based on geological records there is expected to be gravelly clay on top of sandstone, siltstone or mudstone bedrock. It is anticipated that coal may underlie the site at shallow depths due to the unnamed seam outcropping to the south west of the site, dipping beneath the site. The thickness of the seam is unknown.

Based on the evidence provided within this report, it is considered that the risk from shallow depth mining works is HIGH and an intrusive ground investigation is recommended to determine the depth and state of any coal beneath the site, and determine whether there is any evidence of voids or possible ground workings

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 which was adopted by the Council on the 27th June 2018.

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

Local Plan policy(s):

CS27 'Community Health and Safety'

CS28 'Sustainable Design'

SP16 'Land Identified for Industrial and Business Uses'

SP52 'Pollution Control'

SP55 'Design Principles'

Other Material Considerations

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

National Planning Policy Framework: The revised NPPF came into effect in February 2019. 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 has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

Consultations

RMBC – Transportation and Infrastructure Service: Have no objections subject to parking layout condition.

RMBC – Drainage: Have no objections.

RMBC – Environmental Health: Have no objections.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Tree Service: Have no objections.

RMBC – Landscapes: Have no objections.

Network Rail: Have no objections subject to conditions and informatives.

Coal Authority: Have no objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design
- Amenity
- Highway
- Coal Mining

Principle

The site is allocated for Industrial and Business purposes in the Council's adopted Local Plan and the proposed development would consist of the rebuilding of a previous building on a similar footprint for the same use. Accordingly, given the site's land use allocation and the established use of the site the principle of the proposed development is acceptable and it would satisfy policy SP16 'Land Identified for Industrial and Business Uses'.

Design

In respect of design considerations policy SP55 'Design Principles' states: "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".

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

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

In respect of the proposed building's design it is noted that it takes a similar form to the previous building, albeit the previous brick built element fronting Todwick Road which contained the office accommodation would be omitted and the office accommodation would be within the main structure of the building. It is also noted that the proposed building is of a similar form and design to the previous building, with dual pitched roofs, and constructed with brick/block work at lower level and metal sheeting above.

It is considered that whilst the site is relatively prominent at the side of the busy Todwick Road, the building would not appear out of character with the commercial nature of the area.

In addition it would be very similar in size, scale, form, design and siting to the building it replaces, and as such its impact on the streetscene and visual amenity of the area would not be significantly different to the previous situation.

It is considered that the design and appearance of the proposed replacement building would raise no issues given what was previously on site and would therefore be in compliance with the Local Plan policies and NPPF paragraphs outlined above.

Amenity

In respect of amenity, it is considered that any noise, dust or other environmental issues during the construction phase will be monitored by the Council's Environmental Health department, but if standard good practices are observed there is unlikely to be any issues during the construction phase. Further to the above, once operational given the nature of the business, the location of the site and its distance to the nearest residential properties it is unlikely that the use of the premises will cause any amenity issues once operational.

It is therefore considered that with regard to amenity issues the scheme would raise no significant issues and as such the proposal would comply with requirements of the Local Plan policies CS27 'Community Health and Safety' and SP52 'Pollution Control' and the NPPF at paragraph 127.

Highways

The proposed parking / turning for cars / HGVs are acceptable from a highway aspect and the vehicular access to the site is no different to the existing well established access. Accordingly, there are no objections to the application from a highways perspective.

Coal Mining

Part of the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that part of the site lies in an area of likely historic unrecorded coal mine workings at shallow depth. The Coal Authority records indicate that the area where the new building is proposed falls outside of the defined Development High Risk Area.

The planning application is supported by a Coal Mining Risk Assessment, prepared by Met Engineers and a Geotechnical Ground Investigation Report, prepared by Met Engineers. The Coal Mining Risk Assessment identifies a potential risk to the development from past coal mining activity and recommends that intrusive site investigations are carried out on site. The Geotechnical Ground Investigation Report sets out details of the investigations carried out on site and their findings. The report states that the ground investigation identified intact coal in two locations but that there is no evidence that this seam has been worked. Based on these findings the report authors note that no additional investigation works are considered necessary.

On the basis of the above, The Coal Authority have confirmed that they have no objection to the planning application and the proposal would comply with Local Plan policy CS27 'Community Health and Safety'.

Conclusion

Having regard to the above the proposed development would represent an acceptable form of development that would be in compliance with the requirements of the Council's adopted Local Plan and the NPPF. Accordingly, the application is recommended for approval subject to conditions.

Conditions

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

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

01

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

Reason

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

02

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

018060-AAD-01-ZZ-DR-A-0013-P04 – WIP, received 11 April 2019

018060-AAD-01-00-DR-A-0015-P04, received 11 April 2019

018060-AAD-01-GF-DR-A-0011-P04, received 11 April 2019

018060 -AAD -01 -01 -DR - A -0012 - P04, received 11 April 2019

018060 -AAD -01 -02 -DR - A -0013 - P04, received 11 April 2019

018060-AAD-01-ZZ-DR-A-1000-01, received 11 April 2019

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no 018060-AAD-01-ZZ-DR-A-0013-P04 - WIP. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

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

Reason

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

05

Prior to the commencement of development hereby approved a Method Statement / Fail Safe / Possession Method statement shall be submitted to and approved in writing by the Local Planning Authority. This should include:

- Outline of the proposed method of construction; and
- Risk assessment in relation to the railway and construction traffic management plan.

The approved details shall be implemented prior to works commencing and shall be satisfied throughout the construction phase.

Reason

To ensure the safety, operational needs and integrity of the railway.

06

Prior to the installation of any external lighting at the site details of their location, height, luminance, colour of light and angle of lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure any new lighting installed adjacent to the operational railway does not have the potential to dazzle train drivers and the location and colour of lights do not have the potential for confusion with signalling arrangements on the railway.

07

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

Reason

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

08

Gas protection measures (due to potential mines gas) shall be installed within the new build and shall be in accordance with a Gas Characteristic Situation 2. Details of the gas protection measures to be installed shall be submitted to and approved in writing by the Local Planning Authority before they are installed.

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.

09

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

10

The buildings 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

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

02

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 minimising dust and preventing mud, dust and other materials being deposited on the highway.

03

It should be noted that Network Rail have the following requirements that must be met:

Drainage

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

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

Fail Safe Use of Crane and Plant

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

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

Security of Mutual Boundary

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

Demolition

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

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Fail Safe/Possessions

Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/0625
Proposal and Location	Erection of 2 no. industrial buildings (Use Class B1 (b&c), B2 and B8) with associated service yard, car parking, substation & boundary fence (2.4 metres high) at land off Todwick Road, Dinnington, Rotherham, S25 3SE
Recommendation	Grant subject to conditions



This application is being presented to Planning Board as it is a 'Major' development.

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/shrubs, there are some trees along the Todwick Road frontage with a few other trees and hedgerows around the site.

Background

There have been numerous applications submitted relating to this site:
RB1996/0587 - Infilling of former colliery railway cutting with imported inert waste – Granted Conditionally 27/06/96

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

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

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

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 – Granted Conditionally 01/04/05

RB2008/1562 – Formation of new access road – Granted Conditionally 20/11/08

RB2018/0909 – Erection of 7 No buildings for use classes B1 (b&c), B2 and B8 with associated service yard, car parking, boundary fencing and substations – Granted Conditionally 07/12/18

Proposal

The planning application proposes the construction of two individual buildings for use classes B1 (b & c), B2 and B8 with associated service yards, car parking, substation and boundary fencing.

The proposed buildings are of a modern functional industrial design and are orientated to work with those previously consented under RB2018/0909.

The current application has been submitted in respect of a revision to two of the seven buildings approved under RB2018/0990 (Building 4 and Building 7). The reason for this is that the previous scheme did not utilise the full Industrial and Business use allocation and as such this current scheme has an enlarged red line boundary to that previously consented. This enables more floor space for Buildings 4 and 7. In addition revised substation detailing is proposed.

Building 4 will have a service yard and car parks accessed off the existing adopted road that has been constructed under RB2008/1562 and Building 7 will be accessed via the already adjoining permitted scheme. Landscaping will feature around the perimeter of the service yards. The service yards will be generally level ensuring access for people of varying mobility levels.

The building elevations are to have both profiled and flat metal cladding with a coloured outer face. The predominant colours will be grey and green. The entrance doors will be glazed with a powder coated frames, coloured either blue or green. The buildings will have a short overhanging roof at the front, approximately 2m long, forming a high level canopy.

Building 4 would be approximately 76m long, approximately 38m wide with a ridge height of approximately 10m, which results in the floor area being increased by approximately 300 sqm from the previously approved scheme. In addition, Building 7 would be approximately 120m long, approximately 39m wide with a ridge height of approximately 10m, which results in the floor area being increased by approximately 900 sqm from the previously approved scheme.

The substation proposed under this application would be sited adjacent to the side elevation of Building 6 to the east of the internal access road. It would be approximately 3.7m x 3.7m with a shallow pitch roof with a ridge height of 2.4m.

The boundary fence would be of a weld mesh construction approximately 2.4m high in black with matching gates and would be similar to the proposed fence around the wider industrial estate previously approved.

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

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 development proposals at this junction is not considered to be severe and it can be satisfactorily accommodated without the need for any mitigation measures.

Ecology Survey

This proposes enhancements to include:

- Shrub and tree planting which includes a diverse mix of native and non-native species in accordance with recognised good practice.
- Bat Roosting Opportunities
- Any proposed new external lighting for the development should be designed to ensure that lights are angled downward and that night time light levels remain relatively low.
- Bird Nesting Opportunities

An Ecological Addendum was submitted to take account of the extended survey area. It noted that the extended survey area contains scattered trees, scrub and ruderal of limited ecological value. The survey identifies no additional ecological feature or effects beyond those identified within the Phase 1 survey.

With the implementation of the mitigation and enhancement measures outlined within the Phase 1 survey, the scheme is considered to adhere to all relevant nature conservation legislation. The mitigation and enhancement measures set out within the Phase 1 survey can be secured through appropriately worded planning conditions as part of any planning consents granted.

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.

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 which was adopted by the Council on the 27th June 2018.

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

Local Plan 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

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) (as amended)

National Planning Policy Framework: The revised NPPF came into effect in February 2019. 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 has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. One letter of objection has been received from the occupier of a property on Church Lane to the north. The issues raised are summarised below:

- It will devalue my property and others in the area.
- Construction noise will affect our amenity.
- Noise from the units when occupied will also impact on our amenity.
- The land is a habitat for many animals and these will be affected.
- The proposal would impact on Bluebell Wood Hospice.

Consultations

RMBC – Transportation Infrastructure Service: Have no objections subject to conditions.

RMBC – Landscape Design: Have no objections subject to conditions.

RMBC – Ecologist: No objections subject to conditions.

RMBC – Tree Service Manager: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Air Quality: No objections in terms of air quality subject to a condition requiring the provision of electric vehicular charging points.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Drainage: Have no objections subject to conditions.

Severn Trent Water: No comments received but raised no objections to previous application.

South Yorkshire Archaeological Service: No objections.

Sheffield Area Geology Trust: Have no objections.

Appraisal

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

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

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

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 considerations in the determination of the application are:

- Principle of 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

Principle of 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.

Further to the above the principle of development has been established under RB2018/0909 which is valid until 7 December 2021.

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 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...

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

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...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..."

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 amendments to the previously approved RB2018/0909, in the form of a larger site area and two of the seven previously approved buildings having a larger floor area (Buildings no. 4 and 7). The location, design and appearance of the buildings remain broadly as previously approved.

Accordingly, it is considered that the design of the amended buildings will be appropriate to this site, and the previously approved 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 alterations still result in a development that would be of a high quality and appropriate in 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."

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 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 overall highway impact of the development was fully assessed under RB2018/0909 when that application was submitted with a Transport Statement and modelling in respect of the A57 / Todwick Road roundabout. The previous highway work confirmed that additional vehicular trips would have minimal impact on the operation of the roundabout and the Council's Transportation Infrastructure Service accepted the conclusion that vehicular trips associated with the previously approved seven buildings would have a minimal impact upon the operation of the roundabout.

Highways England also confirmed, under the previous application that they had no objection in terms of highway safety.

The current layout is similar to that approved under RB2018/0909, albeit relating to part of the original site only, and involving the construction of a further 1,200 sq. m of floorspace along with an additional 23 No. car parking spaces. This equates to a 6% increase (approx.) compared to the previous approval and is unlikely to have a material adverse highway impact.

It is noted that the A57/B6463 Todwick Road roundabout experiences queuing and delays at peak periods and the Council's Transportation Infrastructure Service is to undertake peak time experimental traffic control at the junction in order to assess possible future mitigation measures.

It is therefore considered that the proposed alterations to the site area and the increase in the floor area of two buildings hereby proposed would be acceptable from a highway safety aspect and is in accordance with the above relevant Local Plan policies and paragraphs of the NPPF.

It is of note that the recommended highway conditions imposed by RB2018/0909 (5 – 9 inclusive) will once again be recommended on this application.

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..."

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. These details were considered to be acceptable, and to be in compliance with the above relevant Local Plan policies. Accordingly, there are considered to be no flood risk or drainage issues subject to conditions.

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...”

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, Ecological Addendum and Phase 1 Habitat 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. This will form part of the required Construction Management Plan.

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..."

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.

The Tree Service does not object to the development however feels the planting plan requires a greater level of detail to realise the sites green potential and minimise habitat loss.

The increase in boundary and building size from the previous application (RB2018/0909) has created the necessity to remove 5 early-mature trees and an established hawthorn hedgerow. The surrounding area is predominantly industrial and open grass land interspersed by sections of hedgerow and established trees of mainly UK native species, the removal of this habitat is a great loss to the immediate area and threatens to break up existing green corridors vital for small birds and mammals. Oak and Pine trees are also proposed to be removed, these early-mature tree are at their peak in terms of environmental service value and are amongst some of the oldest living tree species with upwards of a hundred years of useful life remaining. The amenity and habitat these trees provide take decades and centuries to develop and cannot simply be replaced.

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. As the planting plan includes an Ash cultivar the Tree Service would like to see a proportionate substitution on a one to one basis so as to maintain the proposed planting numbers.

The Tree Service would like to see adequate mitigation for the loss of habitat and local amenity; opportunities exist to establish several small groups of trees in key locations along the outward facing boundary edges of buildings 7 and 4. Suitable species could include any of the fastigate type UK natives in the narrow shrub beds to the north and east, and to the south where more room is available some broader species such as Hawthorn (*Crataegus*), Honey Locust (*Gleditsia*), Italian Alder (*Alnus*), Judas Tree (*Cercis siliquastrum*), Hornbeam (*Carpinus*) or Strawberry Tree (*Arbutus unedo*). The planting would help to break up the continuous line of the building and soften the transition into the wider landscape. 12-14 cm girth root balled nursery stock is preferred to the 6-8cm bare root proposed, the larger stock gives more immediate amenity value and the root ball provides some resilience during the first year of establishment.

It is widely accepted that the volume of soil available for young tree development is an important limiting factor in them achieving longevity in the landscape. This may not need to be much of a consideration for trees planted in large shrub or grass beds however the amenity plantings situated in predominantly hard surface area such as in the car parks need greater attention.

Where load bearing hard surfaces are to be utilised within the rooting volumes structural soils and retaining structures are to be use to facilitate root access to un-compacted and well aerated soils. The Tree Service requires a method statement detailing how the above will be achieved.

Given the scale of the development the Tree Service would expect to see 20 additional trees planted as per the recommendations above, which can be secured via a condition.

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 minimise 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 the sensitive receptors to be affected by noise and dust during the construction phase, and from noise from plant, machinery and vehicles once operational, particularly 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.

Other considerations

The issues raised by the objector have been noted and the issues raised in respect of construction noise, noise when the units become operational, impact on habitats and impact on the hospice are material planning considerations and have been assessed and addressed in the report above.

The issue raised regarding devaluing their property and others in the area is not a material planning consideration. This is due to the fact that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. The basic question when determining an application is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Therefore the contents of the objection letter are noted, but for the reasons set out in the report above, there do not outweigh the appropriate form of development and as such the issues raised would not justify a refusal of the application.

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

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 09, 13 & 14 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 09, 13 & 14 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)

42019/031A, received 10 April 2019

42019/032A, received 10 April 2019

42019/033A, received 10 April 2019

42019/034A, received 10 April 2019

C1063405, received 10 April 2019

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.

04

The proposed development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first building is brought into use.

Reason

In the interests of the visual amenity of the area.

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; and
- 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 development commencing further Intrusive Site Investigation will be undertaken to confirm the contamination status and ground gassing regime across the site and to determine fully the geotechnical constraints previously identified. The scope for investigation works will be forwarded to the Local Authority for review and comment 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.

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 development commencing, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in 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 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 and Ecological Addendum, 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

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved. The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
 - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
 - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
 - Staking/tying method(s).
 - Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

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 5.6 litres/second/Ha); 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 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 the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

Sustainability

29

The buildings 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

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

- i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
- ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
- iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
- iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.
- v) All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites'

02

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

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

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

04

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

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.

06

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

07

In respect of condition 25 the Council would expect to see the addition of 20 trees planted and suitable substitutions to Ash cultivar would need to reach a mature height in excess of 10m with a fairly open crown as to replicate the crown type and form that would have been provided by the Ash. *Zelkova serrata* or *Liquidambar styraciflua* would make good alternatives.

POSITIVE AND PROACTIVE STATEMENT

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