

PLANNING REGULATORY BOARD

Date:- Thursday, 24 September 2020 **Venue:- Virtual Meeting**
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 meetings held on 13th August and 3rd September, 2020 (herewith) (Pages 2 - 5)
6. Deferments/Site Visits (information attached) (Pages 6 - 7)
7. Development Proposals (Pages 8 - 79)
8. Updates
9. Date of next meeting - Thursday, 15th October, 2020, commencing at 9.00 a.m.

Membership of the Planning Board 2020/21

Chairman – Councillor Sheppard
Vice-Chairman – Councillor Williams
Councillors Atkin, Bird, D. Cutts, M. S. Elliott, Khan, McNeely, Sansome, Short, Steele, John Turner, Tweed, Walsh and Whysall.

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 Governance Adviser prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Governance Adviser.)

PLANNING BOARD
Thursday, 13th August, 2020

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, D. Cutts, M. Elliott, McNeely, Sansome, Steele, John Turner, Walsh and Williams.

Apologies for Absence were received from Councillor Whysall.

The webcast of the Planning Meeting can be viewed at:-

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104. DECLARATIONS OF INTEREST

There were no Declarations of Interest to record.

105. MINUTES OF THE PREVIOUS MEETING HELD ON 23RD JULY, 2020

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 23rd July, 2020, be approved as a correct record of the meeting.

106. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

107. DEVELOPMENT PROPOSALS

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

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

- Outline application for the erection of up to 320 No. dwellinghouses including details of access at land east of Moor Lane South, Ravenfield for Mr. and Mrs Woolhouse (RB2019/0894)

Ms. J. Hodson - on behalf of the Applicant

- Construction and operation of a metal recovery centre (Shear Processing Plant) including associated access at land off Sheffield Road Templeborough for Celsa Manufacturing UK (R2019/1390)

Mr. G. Price - Applicant

(2) That, with regards to application RB2019/0894:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- 25% on site affordable housing provision in accordance with the Council's adopted Policy.
- Commuted sum of £500 per dwelling towards sustainable transport measures.
- Financial contribution towards the enhancement of local bus services - £100k per annum for a period of three years.
- Improvement of four bus shelters on Moor Lane South and Braithwell Road amounting to £63,389.10
- Education contributions in accordance with the Council's adopted Policy.
- Formation of a Local Area of Play prior to occupation of the 100th dwelling.
- Formation of a Local Equipped Area of Play prior to the occupation of the 200th dwelling.
- Financial contribution towards the improvement of football pitches at Ravenfield Recreation Ground or Bill Hawes to provide playing surfaces - £15,000 prior to the occupation of the 250th dwelling.
- Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LAP and LEAP.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

(3) That application RB2019/1390 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

108. UPDATES

The following update information was provided:-

Further to Minute No. 102 of the previous meeting held on 23rd July, 2020, the Chair confirmed that the training session that would outline the changes as per the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, which would come into force on 31st August 2020, would be delayed until after the next meeting. This would enable further legislation to be taken account of and for Members to be updated accordingly.

109. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 3rd September, 2020 at 9.00 a.m.

PLANNING BOARD
3rd September, 2020

Present:- Councillor Sheppard (in the Chair); The Mayor (Councillor Jenny Andrews), Councillors Atkin, Bird, Clark, D. Cutts, M. Elliott, Ellis, Jepson, Mallinder, McNeely, Reeder, Sansome, Short, Steele, Vjestica, Walsh, Whysall, Williams and Yasseen.

The webcast of the Planning Meeting can be viewed at:-
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110. PROPOSED CHANGES TO THE PLANNING SYSTEM 2020 AND WHITE PAPER CONSULTATION

The Chair welcomed everyone to the meeting. He explained the purpose for inviting all Members and how this meeting would entirely focus on the proposed changes to the planning system and the White Paper Consultation. He, therefore, invited Emma Ottewell, Planning Manager, to give a presentation on the detail and would invite questions from Members immediately following.

The presentation drew attention to:-

- Proposed changes to the Planning System.
- Amendments to the Use Classes.
- General Permitted Development Order amendments.
- White Paper Consultation.
- White Paper – Local Plans.
- New Design Code Body.
- Digital Planning.
- Developer Contributions.
- Additional Consultation and the changes – open until 1st October, 2020.

A question and answer session ensued and the following issues were raised and subsequently clarified:-

- Future of the Community Infrastructure Levy and Section 106 Contributions.
- Potential to unbalance street scenes and character of communities.
- Effects on Parish Councils.
- Concerns for infrastructure development and progress.
- Increase in the use of brownfield land.
- Disadvantages to Parish Councils and the impact on Local Plan.
- Impact on Planning Services.
- Affect on affordability and potential avoidance of restrictions by developers.
- Timeline for implementation and timeframe for temporary changes.
- General Permitted Development Order changes to allow upward extensions.

- Prior notification process.
- Flexibility in the Use Classes.
- Planning for the future.
- Positive land value negotiations and affordable housing.
- Equalities and breadth of flexibility.

The Chair thanked all Members for their attendance and participation in this training/consultation meeting which would see a huge review of Planning policy. He urged Members to share information and respond to the consultation to exercise their democratic voice.

Resolved:- (1) That the Planning Manager be thanked for her informative presentation.

(2) That Members be urged to formally respond to the Consultation.

111. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 24th September, 2020 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 24th September 2020**

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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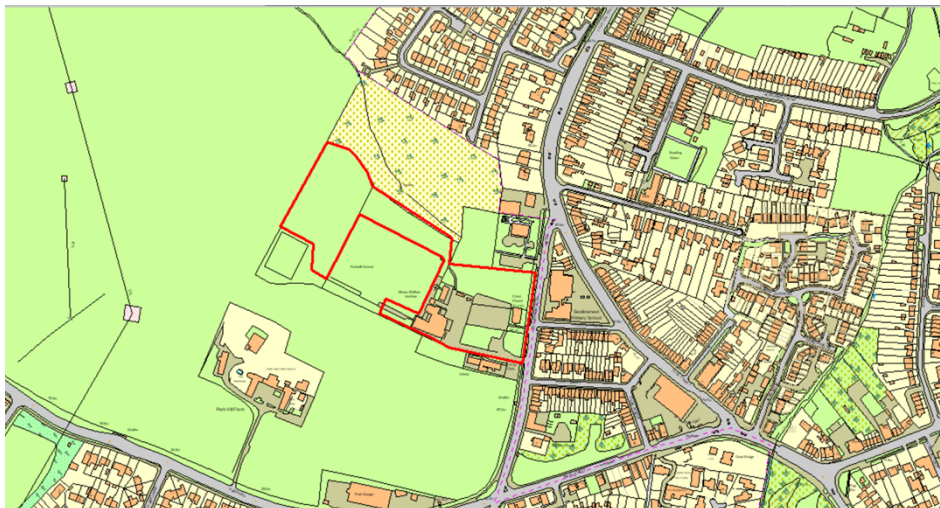
RB2019/0582 Demolition of various buildings and removal of containers, erection of new food store (Use Class A1) with associated access, parking and landscaping, new changing room facilities and creation of playing area, and formation of new parking area at Christ Church Rotherham Road Swallownest for Lidl UK GmbH	Pages 9-59
RB2019/1483 Erection of 3 storey apartment building comprising of 29 No. apartments at land to rear of Humphrey Davy House Golden Smithies Lane Manvers for TIRTLR 7 LTD	Pages 60-79

**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 24th September 2020**

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	RB2019/0582
Proposal and Location	Demolition of various buildings and removal of containers, erection of new food store (Use Class A1) with associated access, parking and landscaping, new changing room facilities and creation of playing area, and formation of new parking area, at land at Christ Church, Rotherham Road, Swallownest, for Lidl UK
Recommendation	Grant subject to conditions

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



Site Description & Location

The site of application is an area of land accessed off Rotherham Road, within the centre of Swallownest village. The land consists of an area of scrubland, a small temporary church building and an overflow car park to the existing Swallownest Miners Welfare, as well as open areas of land to the north and west of the playing fields associated with the football club run from Swallownest Miners Welfare, which are themselves located to the west of the Miners Welfare building.

To the south of the site is a pre-school nursery building whilst to the north is part of the Swallownest Primary School, and to the east across Rotherham

Road are further buildings associated with the Primary School as well as residential properties.

Background

The site has a long history of applications relating to the Miners Welfare. The following applications are considered to be relevant:

RB1993/0563 - Erection of building for use as temporary church - GRANTED CONDITIONALLY. Condition 1 states that the permission shall be for 10 years only and at the end of that period the building should be removed from site.

RB2002/1335 - Replacement of existing changing rooms and erection of 2.4 m security fence – GRANTED CONDITIONALLY

RB2011/1778 - Erection of 8 No 15m high lighting columns with floodlighting and relocation of two floodlighting columns - GRANTED CONDITIONALLY

RB2017/1324 - Erection of a new 100 seat single tier spectator stand – GRANTED CONDITIONALLY

Proposal

This is a full planning application for the demolition of various buildings, including the church, existing changing room building, and part of the Miners Welfare, the removal of existing containers, and the erection of an A1 retail food store with associated access, parking and landscaping.

The proposed food store will measure 1,880 sqm, with a sales area of 1,174 sqm. The proposal includes the provision of 98 parking spaces, of which 7 spaces will be for disabled users and 8 spaces for parent and child users. These spaces will be situated in close proximity to the store entrance. 7 cycle stands, providing storage for 14 bicycles, are also proposed. A new vehicular access would be formed to serve the food store, approximately 17m to the south of an existing zebra crossing in Rotherham Road. Opening hours of the proposed food store are proposed between 08:00-22:00 Monday to Saturday and 10:00-16:00 on Sundays.

The applicant proposes planting to the front of the site partly within the Highway grass verge to soften the impact of the development and to provide an attractive frontage to Rotherham Road. Tree planting is also proposed with the car park to add visual relief. A total of 10 new trees are proposed for the site.

In addition to the supermarket the applicant proposes new football changing facilities which would be built adjacent to the existing playing pitch and which, following amendments, have been designed to meet the football foundations' standards, including improved match official changing. A new sports pitch is also proposed to the west of the existing sports ground, with the land re-graded and improved to provide a flat surface. A 2m high paladin fence would

be erected around the perimeter of the site to match that existing. Additional parking for the club will be provided immediately behind the proposed supermarket, accessed from the existing access to the Miners Welfare. Finally, a small sub-station building was proposed, but has now been removed from the proposals as alternative electricity supplies have been achieved.

The plans have been amended during the course of the application to include changing facilities to meet the Football Associations minimum design standards, which include better provision for female players and officials. In addition, the drainage layout has been amended to reflect Yorkshire Water comments.

A number of additional documents in support of the application have been submitted and these can be summarised as follows:

Design and Access Statement

The design of the Lidl food store has made significant advances towards sustainable design and construction.

The development will be constructed from sustainable materials, where sustainable procurement will be an important consideration. The design incorporates measures to reduce environmental impact, both through design and through the commitment of Lidl to follow best practice to reduce pollution during the construction phase.

In addition to sustainable design, there are a number of inherent attributions of sustainability in the proposals:

- The development in its entirety will regenerate a masterplan to provide a local convenient service to the local residents within Swallownest and the nearby surrounding area.
- The development proposal is within an accessible location by means of transport other than the private car, including local bus services and safe pedestrian and cycle routes.
- It will deliver new employment opportunities within Swallownest.

The information provided clearly demonstrates that the development can be regarded as energy efficient and will also deliver sustainability within the local community.

Sequential Test

The NPPG calls for a 'proportionate' sequential assessment to be undertaken and it is noted that Council officers agree with the catchment area that has been defined for the store. It is also noted that the proposed Aldi store in Swallownest (Application Ref No 2013/1522)

only undertook a sequential assessment of Swallownest District Centre and was of a broadly similar scale. We note that the consultation response agrees that there are no sequentially preferable sites available in Swallownest District Centre itself, and clearly the resident population of Swallownest will be the core catchment for this proposed store.

Retails Impact Assessment

Following Officer advice, a final Retail Impact Assessment was submitted to the Council by the applicant in February 2020. The assessment concludes:

In summary we consider that our Retail Impact Assessment is a robust and fully justified exercise, now backed up by a bespoke household telephone survey. The Avison Young (employed by the Council to independently assess the retail impact) alternative impact assessment provides no proper justification or explanation of the trade diversion patterns used. Our estimated impact on the Co-op store in Swallownest centre has increased by virtue of reduced convenience spending growth rates generally, as well as building in an additional retail commitment. However, in our view this level of trade diversion is not of a level which would result in a significant adverse impact on the centre as a whole, which would continue to perform an important local walk-in role and specialist comparison and service function. Diversion would also be counter-balanced by the potential for 30% of the Lidl's proposed trade to generate linked trips with the centre.

On this basis we contend that we have fully examined this proposal and that planning permission should now be granted without delay.

Loss of Community Facilities Loss of Community Facilities

There is sufficient evidence that the proposal is not displacing active community uses due to the closure of the Christ church, that the needs of the existing congregation will be met through alternative arrangements agreed with the Parish, and that community groups previously using the church also have alternative arrangements in place. On this basis, we conclude that Policy SP62 is complied with.

Loss of Green Space Loss of Green Space

The loss of allocated Green Space will be more than compensated for in terms of both quantity and quality by species rich meadowland, the minimal loss will not unduly affect the supply of greenspace in the local area and the improved changing room provision and provision of an additional pitch for community use will bring clear benefits. On all counts, therefore, the proposal accords with Policy SP38.

Development in Green Belt

Elements of the proposal are within the Green Belt (the proposed additional playing pitch, the proposed replacement changing rooms, and a small part of the proposed parking area for the Miners Welfare) and on this basis, it is considered that this element of the application proposals can be considered as an acceptable exception to Green Belt policy as per NPPF, paragraph 145) in that it would involve the redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development. As the existing site in this area includes buildings and poorly maintained hardstanding and will be replaced by higher quality parking and no buildings. It is clear that this policy test is met. On the basis the proposed car parking can be viewed as an exception, and by definition therefore, appropriate, there is no requirement to demonstrate 'very special circumstances' – see NPPF paragraph 143)

Transport Assessment

The site is well served by public transport, and walking and cycling are attractive alternative modes to the private car.

The local road network has experienced no accidents in recent years, and the development will not increase them in terms of numbers or severity.

A detailed, and robust, numerical analysis of future traffic conditions with the development in place has been undertaken using the PICADY computer programme, and it has demonstrated that a new junction can be created to access the food store off Rotherham Road, and that the proposed food store would not have a material impact on the operation of the local highway network.

There are no "severe" effects in terms of NPPF.

The Travel Plan will assist in providing advice to staff and customers on how to access the site in a more sustainable manner, therefore, reducing the carbon footprint of the development.

The existing access to the Swallownest Miners Welfare Club is to be improved and this will increase safety and pedestrian connectivity. The provision of formalised on - site parking will also improve the Club's facilities.

There are no Highways or Transportation grounds for refusing the planning application.

Preliminary Ecological Appraisal

It is considered that if further surveys (plus any licensing/mitigation measures required as a result of these surveys) and mitigation and

enhancement measures outlined in this report are implemented in full there would be no breach of current legislation or local/national planning policy. Overall, the proposals provide an opportunity to increase the quality of Green Infrastructure (GI) assets within the site and enhance the connectivity between GI assets. The proposed grassland planting to the north of the existing football pitch and surrounding the new pitch would also enhance the quality of Green Belt and provide biodiversity enhancements for a range of fauna.

The proposals also provide opportunity to accommodate any mitigation that may be required as part of the further survey recommended. As the building within the site only has low potential for small numbers of crevice-dwelling bat species, any roost present could be accommodated through the provision of sensitively positioned bat boxes.

The further survey work relating to bats and GCN is:

1. Bats – Single nocturnal emergence survey of Building B01 in optimal season (May – August) by a sufficient number of suitably experienced surveyors.

As summary, the mitigation and enhancement measures (excluding those possibly required as a result of the surveys recommended) suggested for the site are:

1. Provision of at least 3,000m² species-rich grassland planting.
2. Provision of linear scrubby hedgerow planting around northern and western boundaries of amenity grassland at a minimum length of 100m.
3. Sensitive lighting scheme to minimise impacts on foraging bats.
4. Sensitive timing of scrub removal to avoid the nesting bird season, or nesting bird checks within the nesting bird season.
5. A pre-commencement badger survey.

Flood Risk Assessment

This report demonstrates that the proposed development is not at significant flood risk, and simple mitigation measures have been recommended to address any residual risks that may remain.

In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.

Noise Survey

The assessment indicates that the plant noise will have a very low impact. Therefore, no additional noise control measures have been recommended for the mechanical services plant.

The assessment indicates that night-time deliveries in the 23:00-07:00 hours period will have a significant adverse noise impact. The assessment indicates that deliveries during daytime hours will have a low noise impact. The criterion provided by the Local Authority was not exceeded at any time in the 07:00-23:00 hours period throughout the noise survey which included a weekend. Therefore, it is recommended that daytime deliveries be allowed in the 07:00-23:00 hours period on any day.

The assessment indicates that customer car movements in the car park will have a low noise impact.

Based on the above noise assessment, it is recommended that the application for the development should not be refused on noise grounds. It is not considered that any additional noise mitigation measures are required apart from the restriction of deliveries to daytime hours.

Pedestrian Audit

1. The Audit has shown that the physical infrastructure is in place for all road users to traverse the 3 routes as shown. Indeed, it is quite unusual to have such a wealth of provision already in place. Both the Blue Route (the shortest route) and the Green Route (the next shortest route) are fully available to all users.

There are two locations where further provision may be beneficial:

- a crossing of Park Street at, or near to, the Park Street (east) and Park Street (south) junction (to fully complete the Light Green Route): and
- buff coloured tactile paving at the entrance to the Co-op car park on the southern side of Park Street (east) - for completeness.

However, neither is essential, and neither does the lack of either of them prevent a full traverse of the Blue Route or the Green Route.

2 On-street parking is an issue, where it occurs partially on the footway. (It should be noted that such parking is unlawful.)

On School Street, there is no apparent reason for extended parking on the northern side as there is no frontage development on that side, whereas parking on the southern side is outside the residential properties, which do not have off-street parking facilities. Enforcement action may remove this problem entirely.

At the southern end of Park Street, on-street parking occurs on both sides, some of it partially on the footway. Whilst it is understandable that residents wish to park outside their own dwellings, the consequent blocking of the footway (or alternatively by keeping the footway open, the parked cars would prevent through traffic passing) is not acceptable. There is other on-street parking very nearby, which could be utilised instead. Again, enforcement action may remove this problem entirely.

3 Wheelie-bins. A number of wheelie-bins were observed blocking the footways. It is unlawful to place a wheelie-bin on the Highway. However, it is a consequence of Waste Management policies that wheelie-bins are mandatory - even if there is nowhere to store them within the dwelling's curtilage. The inevitable result is that some are left on the footway permanently (although, undoubtedly, some are left on the footway as it is more convenient than moving them into the curtilage). A campaign aimed at removing as many of the wheelie-bins off the Highway as possible, may assist.

4 Steps. There are a number of steps which protrude into the footway and will create a hazard for users of the footway (especially visually impaired people.) However, it is unlikely that there is any acceptable remedy for these.

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 on 25 June 2018.

Part of the site at the front (containing the Miners Welfare building and Church) is allocated for Community Facilities, whilst part at the front (between the Church and the school to the north) is allocated as Green Space. The remainder of the site at the rear, including the areas of open land, are within the Green Belt.

For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belt'

CS19 'Green Infrastructure'

CS21 'Landscape'

CS22 'Greenspace'

CS25 'Dealing with Flood Risk'

CS28 'Sustainable Design'

Sites and Policies Document:

SP 2 Development in the Green Belt
SP10 Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt
SP 11 Development in residential areas
SP 19 Development Within Town, District and Local Centres
SP 32 Green Infrastructure and landscape
SP 47 Understanding and Managing Flood Risk and Drainage
SP 52 Pollution Control
SP 55 Design Principles
SP 56 Car Parking Layout
SP 57 Sustainable Construction
SP 62 Safeguarding Community Facilities

Other Material Considerations

SPD2 – Air Quality & Emissions
SPD5 – Equal & Healthy Communities
SPD7 – Town Centre Uses & Developments

National Planning Practice Guidance (NPPG)

National Planning Policy Framework: The NPPF (as amended) 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.” It adds that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

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

Publicity

The application has been advertised by way of site notices being displayed on and around the site, press notice and letters to neighbouring properties.

A total of 129 representations have been received, 78 objecting to the proposal, including both Aldi and The Co-op as well as Aston Parish Council, and 51 supporting the scheme.

The objectors state that:

- The proposed supermarket will be detrimental to highway safety along Rotherham Road.
- The proposal will be harmful to the safety of parents and children at the local school and nursery.
- Will result in an increase in traffic along Rotherham Road, along with traffic generated by the new theme park, Starbucks etc.

- Detrimental to existing shops within Swallownest Town Centre.
- The proposal would undermine the proposed nearby Aldi Store on Park Hill/Swallow Wood Road, which is allocated retail.
- The land should be restored to public sports use for local children.
- Loss of memorial tree.
- Better industrial sites for a supermarket.

The letters in support state that:

- Wonderful idea, the land is unkempt and to have a supermarket on there with job employment would be a great move for our community.
- Good quality products and value for local residents
- A supermarket is needed in the area.
- Public toilets will be provided.
- 40 jobs.
- Good for the village.
- Sustainable site easy walking distance.
- Improvements to Miners Welfare Sports facilities

Aston Parish Council state:

- Road safety issues and pollution consequences, for children attending the three adjacent schools, will result from the expected 2,500 vehicles per day brought into Rotherham Road by the supermarket.
- Parking and noise issues for local residents emanating from drivers seeking 'short cuts' (via School Street and Park Street) from Swallownest's existing shopping area.
- Further parking issues as a result of the reduction in available spaces at Swallownest Miners Welfare, and the expected limited availability of the Lidl car park due to the usual 90 minute maximum stay they impose 24/7.
- Early and late deliveries, plus possible anti-social behaviour on an open access car park during store closure hours, will be detrimental to residential amenity.

Aldi Comments:

- Aldi consider that granting planning consent for this LIDL store will have a significant impact on the deliverability of their proposals (planning permission granted, and implemented, for a store on land off Park Hill/Swallow Wood Road) which fall within an allocated 'Local Centre'. Aldi will not be prepared to recommence works if planning permission is granted for LIDL.
- Impact on other stores and centres have been significantly underestimated and should be re-visited.
- The sequential approach has not given consideration to all the centres within the catchment area.

Co-op comments:

- There is already a committed scheme for a limited-range discount store on the new local centre site on Park Hill, to be operated by Aldi. Implementation of that planning commitment now seems assured. That store will have a significant negative impact on the established Swallownest District Centre.
- The proposed Lidl store on Rotherham Road will not add significantly to local consumer choice. It will simply replicate existing shopping facilities and have a significantly negative impact on the Swallownest District Centre, potentially resulting in store closures.
- The approach of the Core Strategy is based on maintaining and improving the quality and range of retail and service provision, and the environmental quality of established centres. The 2017 Joint Retail and Leisure Study reviewed the requirement for additional retail floorspace and concluded that there was no longer a case for additional convenience goods capacity in Rotherham.
- The retail landscape has also been changing. There are frequent reports about the problems faced by town centre retailers in the face of increasing competition from the growth of limited-range discount stores, convenience stores and internet shopping. New shopping proposals in out-of-centre locations need to be considered against that background and against the priority in planning policy to maintain and enhance the roles of established centres because of the role they play at the heart of local communities (in the words of the NPPF).
- The fact that there are no sequentially preferable sites for the proposed development within existing centres implies no presumption in favour of granting permission for the application. It would be surprising if a small district centre had vacant capacity to accommodate a store much larger than any that are currently within the centre.
- The applicants' approach to retail impact assessment is flawed in a number of ways: primarily in its use of data from the household survey undertaken for the 2017 Joint Retail and Leisure Study and the application of data from that survey to a primary catchment area which, although extensive (and unrealistically so) is much smaller than Zone 13 of the survey from which the data on shopping patterns was derived.
- The RIA demonstrably fails to make realistic estimates of the turnover of existing stores, because of the limitations of the household survey. Its assessment of trade diversion from existing stores and centres is also full of anomalies and questionable judgments which do not reflect the locations of existing stores and centres in relation to the population of the area.

- The proposal for an out-of-centre Lidl store at Rotherham Road, Swallownest is therefore contrary to local and national planning policies for retail development, irrespective of other concerns relating to traffic generation, road safety in the vicinity of the primary school, loss of green space and impacts on residential amenity in the area.
- The clear conflict with planning policies for retail development that seek to maintain and enhance existing centres is sufficient reason for this application to be refused.

Following the submission of the final Retail Impact Assessment the application has been re-advertised. A further 27 objections and 13 letters of support have been received. Aldi and Co-op have submitted the final comments on the application:

Aldi have stated that:

- We would strongly recommend that Avison Young revisit the trade draw figures provided by Lidl's consultants. By way of example, the assessment assumes that the trade draw from postcode S21 to Aldi Swallownest, the new food store at the Waverley centre and the proposed Lidl would be £1.383m at 2025 but the expenditure generated in this part of the catchment area is only £1.121m. This assumes that all people living in this part of postcode sector S21 (plus people in this postcode from outside the catchment area as the figures do not match) will travel to Swallownest and Waverley rather than the much closer in-centre Co-op or Aldi in Killamarsh. We would therefore strongly recommend that a further assessment of the impact on Killamarsh Town Centre is undertaken. We consider that the amount of expenditure available to support the proposal has been over-exaggerated as well as double counting and as a result the impacts on centres has been underestimated. Whilst we accept that a capacity assessment is not required; it does inform the assessment of impact.

The Co-op have stated that:

- We believe that DPP's (Applicant's Agent) estimates of trade diversion from the Swallownest District Centre are too low, are presented with spurious precision, and are not soundly based. Their household telephone interview survey, conducted by NEMS, is limited in its scope and sample sizes (95, 35 and 72 for postcode sectors S26 2,3,4 respectively).
- DPP's approach in their Further Retail Impact Assessment Update does not address the distinction between main food shopping and top-up shopping. Their household survey did not investigate expectations about the mix of main and top-up shopping trips at the proposed Lidl - or at the proposed Aldi store at Sheffield Road (the Park Hill Local Centre). This is a major limitation in the value of their household

survey. Assumptions about the mix of main and top-up shopping can effectively pre-judge conclusions about trade diversion.

- AY (Council's Consultant) note that their estimated impact of the proposed Lidl store on the Swallownest District Centre would fall largely on a store that has a low turnover and raises concerns about its future viability. In our view the potential loss of the main food outlet in the district centre would be a 'significantly adverse impact' based on AY's 'concerns over the falling influence of the Co-op store in the district centre and how this may affect the wider health of the centre', even if the Co-operative Group's estimate of 30% trade diversion is not accepted.
- AY have pointed to 'a large direct impact on convenience goods stores in Swallownest', a question about the future viability of the Co-operative store, and evidence that linked trips to the proposed Lidl store are unlikely to compensate for the loss of linked trips to the Co-operative store.
- AY conclude that 'there is likely to be an adverse impact upon the health of Swallownest district centre, although we do not consider it will be of a scale to constitute a likely significant cumulative impact.'
- We do not agree with that conclusion and wonder what AY would consider to be a 'significant adverse impact' in terms of paragraph 90 of the National Planning Policy Framework.
- We do not believe that the potential vulnerability of the Swallownest District Centre has been given adequate consideration by DPP or AY and we do not believe that the planning conditions recommended by AY to control sales areas and prevent subdivision of the proposed store are sufficient to prevent a significant adverse impact on the Swallownest District Centre.
- The importance of the district centre also needs to be considered in the context of Policy CS12 of the Core Strategy which imposes a local threshold of 500 sq m for retail impact assessment because of the vulnerability of existing centres in the district and states that the strategy for Swallownest District Centre is: 'Maintain the quality and range of retail and service uses'. That strategy is a material planning consideration in a development plan, and therefore even more important than paragraphs 89 and 90 of the NPPF.
- This application should be assessed against the policy framework of the Core Strategy as well as the NPPF and should be refused as contrary to both, for the reasons given in this and our previous submissions.

The remaining letters of support and objection received from the general public merely reiterate the issues previously raised in the initial public consultation.

A local ward councillor has requested that Board Members visit the site prior to the determination of the application. In light of the current Covid 19 restrictions this is not possible, although Members are able to visit on their own accord. In addition the application is supported by comprehensive images and aerial photographs.

The applicant has requested the right to speak along with 5 objectors, including Aldi and the Co-op.

Consultations

RMBC (Transportation and Highways Design) – The conclusions in the Transport Assessment are considered to be sound. Any additional trips on the road local to the site may not be significant in themselves, and they will have a very modest impact on congestion and the movement of public transport. Accordingly, the proposal is considered to be acceptable in highway and transportation terms subject to appropriate conditions.

RMBC (Environmental Health) – Notes potential for noise disturbance from deliveries and refrigeration units, as such no objections subject to conditions and informatives.

RMBC (Drainage) – No objections to revised proposals subject to conditions

RMBC (Ecologist) – No objections subject to condition

RMBC (Landscape) – No objections subject to appropriate conditions.

RMBC (Tree Consultant) – No objections following submission of tree pit detailing.

Yorkshire Water – No objections subject to appropriate drainage conditions

South Yorkshire Fire & Rescue – No objections, recommends consideration of water supply for a sprinkler system.

Sport England: No objection to amended plans including improved changing facilities, subject to appropriate condition requiring the work to the playing fields to be completed prior to the new store opening.

Avison Young (Retail Impact Assessment Review) on behalf of RMBC: The table below sets out the issues that have been raised and the Avison Young (AY) response:

ISSUE	SUBMISSION	RESPONSE
ORIGINAL SUBMISSIONS – APPLICANT (MARCH 2019 & NOVEMBER 2019)		
The applicant's original March 2019 impact assessment.	Content of assessment.	AY highlight some shortcomings regarding the applicants original impact assessment, including the lack of use of up to date market share data on shopping patterns and town centre health issues.
Location of Lidl application site	Applicant assesses that the site lies in an edge-of-centre location.	AY agrees with this classification, although also notes that there is no inter-visibility between the site and the centre.
Retail Commitments	Applicant's financial impact assessment	Whilst the November 2019 submission included a cumulative financial impact assessment taking into account the committed ALDI store in Swallownest, it failed to take into account the commitment for a new district centre at Waverley. As a consequence, an update assessment was requested.
Assessment of likely trade diversion	Applicant's assessment of financial impact on Swallownest	AY raises queries over the forecast pattern of trade diversion, including potential under-estimate of the direct financial impact on the 'town centre' Co-op store. AY's own analysis of financial impact indicates that the potential impact

		upon the convenience goods turnover of the Co-op could be up to - 25%, which is close to the Co-op's own estimate of -30%. Due to the short-comings in the applicant's November 2019 analysis, it is not possible to provide a comparative figure for the impact on the Co-op.
Forecast convenience goods turnover of Swallownest district centre	Contradictory information provided by the applicant on the turnover of convenience goods stores in Swallownest, including the Co-op store.	AY clarifies that forecast £5.8m convenience goods turnover includes the turnover of the Co-op store.
Impact on Swallownest 'town centre' as a whole	Linked trips	AY raises concern over the lack of data / analysis associated with linked trips associated with existing stores and the district centre and also the potential for linkages between the centre and the proposed store. Further information regarding linked trips was therefore requested. AY indicate that, based upon its own financial impact analysis, there are concerns over the future of the Co-op in its current form. However, AY agrees with the applicant that the 'impact' test relates to the 'town centre' as a whole and this reinforces the need for better evidence and analysis from the applicant on linked trips.
		<u>Overall AY conclusions</u>

		<u>– November 2019 – In addition to the above comments/advice:</u> <i>“the applicant’s assessment has failed to consider all salient retail commitments in the local area, in particular the new centre at Waverley. This commitment could well have an influence on both limbs of the impact test and as a consequence reinforces the recommendation that retail planning policies in relation to this application have not been complied with until additional information has been submitted by the applicant. Therefore, in light of the above, we are of the opinion that the applicant has provided insufficient information to the Council to satisfy the impact test and we recommend that the Council asks for additional information on the matters outlined above”.</i>
ALDI OBJECTION – JUNE 2019		
Impact on ‘town centre’ Investment	The objection from ALDI indicates that <i>“granting planning consent for this Lidl store will have a significant impact on the deliverability of their proposals which fall within an allocated local centre. ALDI will not be prepared to recommence works if planning permission is granted to Lidl”.</i>	AY note that the committed ALDI foodstore will lie within a defined ‘local centre’ in the development plan and therefore the ‘impact on investment’ policy test is relevant in this instance. In light of the comments made by ALDI, AY indicate that there are reasonable concerns over the impact

		of the proposed Lidl on the delivery of this committed local centre store.
CO-OP OBJECTION – AUGUST 2019		
Turnover of Co-op store	Objection claims that the applicant's assessment of the convenience goods turnover of the Co-op store is an over-estimate.	AY agrees with this general comment and agrees that the content of the 2017 Council retail study have been mis-interpreted. However, AY also note that the objection from the Co-op does not provide a definitive alternative figure for the Co-op store.
SUPPLEMENTARY SUBMISSION – APPLICANT – FEBRUARY 2020		
Impact on 'town centre' investment policy test	Lidl provide information and analysis on the retail expenditure capacity in the local area to accommodate existing stores and both of the new Lidl and ALDI stores.	AY note that despite comments made by ALDI in June 2019, ALDI has continued to construct its new store and has also been advertising for job opportunities in the new store. AY therefore conclude that, in light of these events: "there does not appear to be a case to suggest that there is likely to be any significant impact upon town centre investment".
Turnover of existing convenience goods stores in Swallownest	Applicant provides an updated assessment of store turnover levels, along with an additional assessment of comparison goods turnover levels.	AY welcomes updated assessment, as it provides a more realistic view of existing store turnover levels.

Cumulative impact assessment	Applicant has, in response to comments from AY, expanded its cumulative financial impact assessment to include the new district centre at Waverley.	AY welcomes updated assessment and considers the assumptions made are in line with previous assessments of the Waverley proposal.
Overall financial impact on Swallownest district centre	The applicant's updated assessment provides the following forecast levels of impact upon the district centre: • Convenience goods retail sector: -10% • Comparison goods retail sector: -2% • Overall retail sector: -6.1%	In response to a number of remaining concerns over the applicant's approach to the assessment of financial impact, AY updates its own assessment of financial impact on the turnover of Swallownest district centre, with the following results: • Convenience goods retail sector: -16% • Comparison goods retail sector: -2% • Overall retail sector: -9.4% Therefore, AY's advice to the Council is that the proposed Lidl store (taken cumulatively with existing commitments) will have a higher direct financial impact on the district centre than predicted by the applicant. With the majority of trade diversion being associated with the Co-op store, AY's advice reiterates the importance of understanding linked trips.
Linked trips	Applicant undertakes a new survey of households (via	The submission of the new survey data is welcomed by AY as it

	telephone) to obtain data on propensity for linkages between existing stores and Swallownest district centre and also the potential for linkages with the proposed Lidl store.	provides additional information to assist with the Council's overall assessment on the impact on the health of the district centre. AY note that it would have been preferable to conduct an in-street survey in order to obtain the best quality of data for linked trips. However, the household survey results nevertheless provide a useful contribution to information on linked trips. It should also be noted that trying to undertake a new in-street survey in the current situation would be fraught with difficulties. The survey results indicate that around one third of Co-op customers linked their trips to this store with other facilities in the district centre whilst 25% of those survey respondents who indicated that they'd use the proposed Lidl store are also likely to visit the district centre as part of a linked trip. On this basis, the AY February 2020 advice concludes that: <i>"Given that there will be a loss of trade from the district centre to an edge of centre store, in addition to the committed ALDI, the ability of shoppers to continue to visit Swallownest district centre will be key to</i>
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		<i>understanding the overall impact on the district centre. Survey evidence provided by the applicant indicates that the proposed Lidl is unlikely to be able to completely replace existing linked trips associated with the Co-op, although it should also be noted that the introduction of both the new Lidl and ALDI stores may well counter-act this situation due to the larger amount of food shopping trips retained in the Swallownest area”.</i>
		<u>Overall AY conclusions – March 2020 – In addition to the above comments/advice:</u> • There is a large direct impact upon convenience goods stores in Swallownest, primarily the Co-op store which could lose around one quarter of its turnover. • Based upon the available survey evidence, the Co-op store significantly under-performs and the predicted loss of trade may put into question the future viability of the store in its current format. • The available survey evidence

		suggests that the Co-op store primarily has a top-up food shopping role. • There is a reasonably large loss of food shopping trips from the local area to larger foodstores and supermarkets further afield. In relation to trips that leave the local area to other discount foodstores, such as ALDI in east Sheffield, these are mainly related to main food shopping. • Whilst it is likely that the proposed Lidl store, alongside the committed ALDI store, will serve both main and top-up food shopping trips, and thus there will clearly be main and top-up food diversion from the Co-op in Swallownest, it is likely that the Co-op will continue to focus upon its top-up food shopping role. • Given that there will be a loss of trade from the district centre to an edge of centre store, in addition
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		to the committed ALDI, the ability of shoppers to continue to visit Swallownest district centre will be key to understanding the overall impact on the district centre. Survey evidence provided by the applicant indicates that the proposed Lidl is unlikely to be able to completely replace existing linked trips associated with the Co-op, although it should also be noted that the introduction of both the new Lidl and ALDI stores may well counter-act this situation due to the larger amount of food shopping trips retained in the Swallownest area. • Therefore, AY reach the conclusion that there is likely to be an adverse impact upon the health of Swallownest district centre, although they do not consider it will be of a scale to constitute a likely significant cumulative impact. • Nevertheless, AY consider that there is need to ensure
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		that the proposed Lidl store is able to benefit the district centre via linked trips and therefore recommends that the Council seeks a package of measures which improve the walking route from the application site to the centre.
SUPPLEMENTARY OBJECTION FROM CO-OP – MARCH 2020		
Use of household survey information	Co-op criticise how the results have been used in the applicant's updated assessment of town centre impact.	AY agree with the Co-op that the new household survey data has not been utilised to understand current shopping patterns, and therefore AY's own impact analysis continues to use the evidence base data in the 2017 Council retail study. AY also acknowledge the Co-op criticism regarding the sample size of the new survey but consider it still makes an important and useful contribution to the assessment of linked trips.
Content of the new survey questionnaire	Co-op criticise the lack of questions in the new survey obtaining evidence regarding the likelihood of main and top-up food shopping trips at the proposed Lidl store.	Whilst the information highlighted by the Co-op has the potential to make an additional contribution to the overall assessment of 'impact', AY considers that there is sufficient available information to reach a robust conclusion on

		'impact' issues.
Overall assessment of likely impact on the health of the district centre	The Co-op's objection raises a concern over the robustness of the impact assessments provided by the applicant and AY.	The advice provided by AY to the Council has provided a robust assessment of the applicant's submitted material and has outlined a series of short-comings which needed to be addressed. Many of these identified short-comings have been addressed by the applicant in order to improve the overall assessment of impact and, where short-comings with the applicant's assessment continue to remain then AY have provided RMBC with their own assessment of 'impact'.
SUPPLEMENTARY OBJECTION FROM ALDI – MARCH 2020		
Trade draw issues	ALDI allege that the amount of trade draw to the proposed Lidl store, plus the committed ALDI store in Swallownest and the new district centre at Waverley from postcode S21 (£1.383m) is higher than the available expenditure £1.121m).	The comments provided by ALDI mis-understand the issue of trade draw in terms of existing, committed and proposed retail floorspace. The comments suggest that the amount of trade draw to the Lidl, ALDI and Swallownest are mutually exclusive which is not the case and are, in fact, mis-leading. In any event, the advice provided by AY to RMBC utilises an alternative catchment which would avoid any concerns that ALDI raise.

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 including the retail impact
- Loss of Greenspace
- Impact upon the Green Belt
- Loss of community facilities
- Design, scale and appearance
- Highway safety and parking capacity
- Drainage and Flood Risk issues
- Noise and pollution control issues
- Ecological issues
- Landscaping
- Other matters raised by objectors

Principle including the retail impact

The site is allocated for Community Facilities, whilst part at the front (between the Church and the school to the north) is allocated as Green Space. The remainder of the site at the rear, including the areas of open land, are within the Green Belt.

The NPPF notes that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. It adds that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 89 of the NPPF adds that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

The proposed store is in an edge of centre location compared to the primary shopping frontage of Swallownest District Centre, and is over 500 sqm, the Council's threshold. As such, the applicant has submitted sequential and impact test assessments as part of the planning statement as required by Policy CS12.

Sequential Assessment:

The Initial sequential assessment only considered alternative sites in Swallownest, though the scope was subsequently increased to include Waverley, Crystal Peaks & Woodhouse. With regard to the assessment of Swallownest itself, it is agreed that there are no alternative sequentially preferable sites available within the Town Centre. In terms of the other nearby Local Centres it is accepted that the applicant has demonstrated that no other suitable sites exist.

Impact Assessment:

With regard to the impact assessment, this has drawn on the Council's retail study. It has identified the primary catchment of the proposed development as being broadly defined by the motorway network to the north and east and the Sheffield/Rotherham border to the west beyond which are the outlying areas of Sheffield, including Crystal Peaks to the south and west. This is considered to be appropriate given the proximity of other supermarkets and the areas from which they draw trade. It is considered acceptable that the assessment is limited to considering the district and local centres within this area.

Firstly, in terms of the investment within the new Aldi store on Park Hill/Swallow Wood Road (which falls within a 'Local Centre' allocation), work commenced on this store in late 2019 and is due for completion sometime in 2020. The previous Aldi objection raised concerns over whether the construction of this new store will proceed should RMBC grant planning permission for Lidl.

The latest information from the applicant supplies a retail expenditure capacity assessment demonstrating that the settlement can support both a Lidl store and the Aldi. Furthermore, as Aldi have continued to construct their new store and have advertised for employees for the store in the local press it would suggest that there is no significant adverse impact upon their investment. A further 9 additional Local Centres have been assessed including Waverley local centre, and the applicant has demonstrated that scheme will not harm investment at these Local Centres.

Turning to the impact upon the Swallownest Town Centre itself, and in particular the Co-op store, the applicant has provided updated information to fully assess the likely impact. This has included the following information:

- Set of population and per capita retail expenditure
- The forecast convenience and comparison goods turnover of the proposed Lidl store
- Updated current store turnover levels in the Local Centre
- Comparison goods turnover for Swallownest
- Consideration of the new Waverley local centre

The applicant's assessment indicates an overall impact on the convenience goods sector in Swallownest district centre of -16%. A large majority of this loss of trade would be on the existing district centre Co-op store, and the impact on this store and updated analysis suggests that this will be in the region of one quarter of convenience goods turnover.

The decline in trade from the Co-op store may also result in a decline in linked trips with other shops and services within Swallownest Town Centre. The Following conclusions have been reached regarding the likely impact of the proposed Lidl food store:

- There is a large direct impact upon convenience goods stores in Swallownest, primarily the Co-op store which could lose around one quarter of its turnover.
- Based upon the available survey evidence, the Co-op store significantly under-performs and the predicted loss of trade may put into question the future viability of the store in its current format.
- The available survey evidence suggests that the Co-op store primarily has a top-up food shopping role.
- There is a reasonably large loss of food shopping trips from the local area to larger food stores and supermarkets further afield. In relation to trips that leave the local area to other discount food stores, such as Aldi in east Sheffield, these are mainly related to main food shopping.
- Whilst it is likely that the proposed Lidl store, alongside the committed Aldi store, will serve both main and top-up food shopping trips, and

thus there will clearly be main and top-up food diversion from the Co-op in Swallownest, it is likely that the Co-op will continue to focus upon its top-up food shopping role.

- Given that there will be a loss of trade from the district centre to an edge of centre store, in addition to the committed Aldi, the ability of shoppers to continue to visit Swallownest district centre will be key to understanding the overall impact on the district centre. Survey evidence provided by the applicant indicates that the proposed Lidl is unlikely to be able to completely replace existing linked trips associated with the Co-op, although it should also be noted that the introduction of both the new Lidl and Aldi stores may well counter-act this situation due to the larger amount of food shopping trips retained in the Swallownest area.

Therefore, it is considered that there is likely to be an adverse impact upon the health of Swallownest district centre, although not of a scale to constitute a likely significant cumulative impact. Nevertheless, it is considered that there is need to ensure that the proposed Lidl store is able to benefit the district centre via linked trips. The applicant has undertaken a pedestrian audit highlighting three potential pedestrian routes to the Town Centre. All three routes are relatively short and accessible, although in places compromised by cars parking on the pavement, which would be especially awkward for the disabled or those pushing buggies. The audit does not recommend any physical improvements and notes that a Zebra crossing is available immediately outside the store to cross the relatively busy Rotherham Road. It is therefore recommended that a condition is attached to require signage to direct customers to Swallownest Town Centre to encourage linked trips, furthermore separately the Council will look to raise the issue of unauthorised on pavement parking, which is not in the control of the applicant.

In addition, it is also recommended that, if the Council is minded to grant planning permission for this development, the following controls should be imposed:

- A maximum sales area for the store of 1,174 sqm net;
- Control over convenience / comparison floorspace split to 939 sqm net for convenience and 235 sqm for comparison; and
- No sub-division of the retail unit.
- Two hours free parking to encourage linked trips.

Overall it is considered that the applicant has satisfactorily passed the impact assessment and the principle of the proposal satisfactorily complies with the NPPF, Core Strategy and Sites and Policies Document. Consequently, the principle of development for an A1 retailer is considered acceptable in this location, subject to the relevant conditions.

Sports Provision

In terms of the provision of the replacement changing room facilities and the sports pitch facility, Policy CS29 'Community and Social Facilities' states: "The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency. The Council will seek to enable provision through a variety of local authority, private sector and local community partnerships, wherever appropriate, and support the co-location of community and social facilities wherever feasible."

The replacement changing room facilities and the sports pitch facility will clearly meet the requirements of this Policy, though their impact on the Green Belt in which they are located is discussed in more detail below.

Loss of Greenspace

The food store element of the proposal is partly allocated as Green Space in the adopted Local Plan.

Policy 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."

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 (amongst other things):

- 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."

Policy SP38 – Protecting Green Space, states: "existing Green Space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect the existing and potential Green Space needs of the local community. The assessment will consider the availability of sports pitches, children's play areas and allotment provision, to determine existing deficits and areas for improvement; or

b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c. the development is for alternative sports and recreational provision and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss.”

The applicant states that the proposal complies with Criterion ‘b’ of Policy SP38: “the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location.” The existing allocated area of Green Space in question is of a poor quality which is fenced off and not for public use. The land has been cordoned off for over a decade with only the occasional travelling fair using the site. The site also offers no buffer function and contains little in the way of vegetation.

The Council’s Green Spaces Team has indicated that subject to the proposed football pitch and associated facilities meeting Sport England guidance, the improvements warrant the loss of this area of Green Space. Both Sport England and the Football Foundation support the scheme following the improvements to the changing facilities. In addition, a condition has been recommended to ensure that improvements are undertaken prior to the food store being opened.

As such the scheme is considered to accord with local plan policies referred to above and the guidance contained within the NPPF.

Impact upon the Green Belt

Policy CS4 ‘Green Belt’ of the adopted Core Strategy states: “Land within the Green Belt will be protected from inappropriate development as set out in national planning policy.”

Policy SP2 “Development in the Green Belt” states that: “All new buildings should be well-related to existing buildings and should be of a size commensurate with the established functional requirement. Effective siting, screening and high standards of design appropriate to the setting of the proposals can minimise the impact of future development on the openness of the Green Belt. Where possible proposals should reflect the architectural style of original buildings if appropriate, and / or the vernacular styles in the locality.”

Policy SP10 ‘Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt’ states: “Provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, will be acceptable as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”

Paragraph 145 of the NPPF states: “A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst other things):

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.”

The proposed development involves the construction of a changing room facility, the restoration of a playing field, and new parking for the Miner’s Welfare, all within Green Belt land.

In terms of the changing rooms, these represent appropriate facilities for open recreation within the Green Belt and in low rise design will not significantly impact upon the openness of the Green Belt or conflict with any of the 5 main purposes of the Green Belt. Turning to the football pitch this will involve a level of regrading to provide a flat surface, such engineering alterations are appropriate as they preserve the openness of the Green Belt.

Finally, the additional parking is considered appropriate and involves the removal of a number of poor quality storage buildings and old changing facilities. The parking provision will not harm the openness of the Green Belt and is linked to the open recreation taking place on site.

As such the proposed elements of development within the Green Belt are appropriate and accord with both Local Plan Policies and the NPPF.

Loss of community facilities

Policy SP62 “Safeguarding Community Facilities” states ‘land or buildings currently used or last used for community purposes, including sport and recreational facilities but not identified as such on the Policies Map will be similarly safeguarded.’

The car parking element of the scheme will be constructed on the site of the current small Church building which has now closed. The Church building was only intended as a temporary building (10 years from when granted in 1993) and was required to be removed from site as part of the original approval. The Church of England have confirmed that “Swallownest and Ulley churches have a close relationship and have been sharing Sunday worship once a month for many years. It was therefore a natural progression for members of the Swallownest congregation to decide to join the congregation of Holy Trinity Ulley. The majority of Christ Church members have opted to do this since Sunday 2nd June and have formalised their membership by joining the electoral roll at Ulley...because the congregation is small and closely knit, there is no real difficulty with transport – members with cars offer lifts to those who are less mobile.”

The Church have also confirmed that community groups using the Church have relocated to community buildings in the locality and the funds from the sale will allow for the upkeep of other churches and investment in youth groups etc.

The provision of the store will also enable improved sports facilities which will have a community benefit in accordance with Policy SP62 referred to above.

As such the proposal is considered to accord with Policy SP62 "Safeguarding Community Facilities" and the loss of the community facilities is considered acceptable.

Design, scale and appearance

Policy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design.

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. This policy applies to all development proposals including alterations and extensions to existing buildings".

In addition, 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."

Concerns were raised at the pre-application stage regarding the proposed rendered appearance of the food store in relation to its context close to predominantly stone built buildings. As such the applicant has set the building to face the main highway with full height glazing and an artificial stone frontage to reflect the local area. Furthermore, a hedgerow is to be positioned to the front of the site with additional trees within the car park to add visual relief. The area around the Miners Welfare club has a poor-quality appearance which somewhat detracts from the area and the otherwise pleasant school buildings surrounding the site. The new store is therefore considered to uplift the general architectural design of the surroundings in accordance with paragraph 124 of the NPPF and Policy CS28 'Sustainable Design' & SP55 'Design Principles'.

Regarding the sustainability of the proposed food store, the planning statement refers to the fact that 'many Lidl stores' are designed to BREEAM very good standard, and a further sustainability statement has been appended to the planning application to indicate it is anticipated that the current scheme would be developed to this standard. As the proposed development is a non-residential scheme of over 1,000 sqm, this would be required in order to satisfy Policy SP57, and a condition is recommended to address this.

Finally, in terms of the changing rooms, this is more of a utilitarian style structure designed with minimal window openings for privacy and to prevent vandalism. The building will have a large overhanging mono-pitched roof with vertical timber cladding. Such a design is appropriate for its setting within a football ground setting.

Highway safety issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' notes: "The Council will work with partners and stakeholders to focus transport investment on making places more accessible and on changing travel behaviour. Accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst others):

- 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.
- b. Enabling walking and cycling to be used for shorter trips and for links to public transport interchanges.
- f. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- g. The use of Transport Assessments for appropriately sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.
- k. Not allowing new development in Air Quality Management Areas unless traffic and air quality impacts are appropriately mitigated."

Policy SP29 'Sustainable Transport for Development,' sets out 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.”

The Transportation Assessment (TA) and Travel Plan (TP) submitted in support of the application have been reviewed by RMBC’s Transportation Unit. Whilst guidance suggests that only 10% of trips at a new food store are “new” to the network, the TA considers all predicted trips generated by the proposed food store to be “new” to the network so as to ensure a robust assessment. The flows have been assessed against further traffic growth to the proposed opening year (2020) and the design year (2025).

The numerical assessment of the capacity of the proposed access was undertaken using the appropriate computer programme. The modelling indicates that the junction with Main Street will function well within its capacity with the development and any predicted traffic growth.

The proposed car parking (a total of 98 No. spaces) accords with the Council’s parking standards. Disabled and parent & infant bays are to be provided. Cycle parking in the form of 7No. Sheffield-type stands is also to be provided.

The proposed store is in a location with a high density of residential housing within a 400m walking distance. The additional pedestrian trips to the new store can be accommodated within the current capacity of the footway network. A zebra crossing is located close to the proposed access on Rotherham Road.

The TA’s claim that the site is accessible by public transport is accepted, there being a number of services Monday-Friday daytime with a reduced evening and weekend frequency. A framework travel plan has been submitted but a more detailed plan conforming to best practice should be submitted, as part of a recommended condition.

The conclusions in the TA are considered to be sound. Whilst any additional trips on the road local to the site may not be significant in themselves, they will have a very modest impact on congestion and the movement of public transport.

With specific regard to the objections received in terms of highway safety and the likely generation of traffic and likely impact on adjoining schools, the Transportation Unit have concluded that this is not likely to be materially detrimental and that no significant highway safety issues will arise. It should

be noted that parents could use the parking area whilst dropping off/picking up children as the applicants have indicated that there would be 2 hours free parking, and this is subject to a planning condition.

Overall the Transportation Unit have concluded that the proposal is considered unlikely to result in a material adverse impact in highway/transportation terms and can be supported subject to conditions.

Drainage and flood risk issues

The site does not fall within a flood zone and there is only small area of surface water flood risk to the proposed new sports pitch.

In terms of surface water drainage issues, RMBC's Drainage Officer has indicated that he is satisfied with the drainage principles/calculations for this application (as revised during the course of the application). It is considered that the additional surface water runoff that may arise from the proposal can be adequately accommodated and overall there are no objections to this aspect, subject to the agreed drainage details to be conditioned and oil/grit interceptors.

Yorkshire Water have not raised any objections to the application, subject to conditions referred to above.

Overall, it is considered that the development of this site for the proposed scheme is acceptable in flood risk and drainage terms subject to conditions.

Noise and pollution control issues

The proposed supermarket development and associated car park is bordered to the east by a primary school and residential housing on Rotherham Road and School Street and to the north by an infant and nursesey school.

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.”

The Council’s Environmental Health Team has assessed the proposal and considers that there is potential for disamenity from noise and dust during the construction phase, as well as potential for noise disturbance from the external refrigeration units/air conditioning units, vehicle movements of customers and potential noise nuisance from the delivery lorries, particularly in the early morning or late at night. They also raised the potential for noise disturbance from the proposed substation, though as noted above this is no longer proposed as part of the application.

The applicant has submitted a Noise Assessment which looked at the impact on existing surrounding properties from the associated activities including plant noise, deliveries and car movements. The report recommends that deliveries are allowed up until 23:00 hours at night. However, this does not take into account the regular movement of heavy goods delivery vehicles on the road and braking and turning into the carpark in an area directly opposite residential dwellings.

In light of the positioning of the supermarket directly opposite residential housing and the results of the noise survey, the Council’s Environmental Health Service recommend that the following restriction of delivery hours be conditioned, 08:00-20:00hrs Monday-Saturday and 10:00-18:00hrs on Sundays and Bank Holidays, and the applicants have confirmed that this is acceptable.

In terms of land contamination the applicant’s phase I Environmental Assessment report recommends a further phase II report is undertaken prior to construction taking place. In addition the report notes the presence of asbestos and Japanese Knotweed. Informatives have been attached to the approval regarding asbestos and Japanese Knotweed.

It is therefore considered that the application is acceptable when considered against policies CS27 'Community Health and Safety' and SP 52 'Pollution Control'.

In terms of air quality, the site does not fall within an air quality management zone. SPD2 – Air Quality & Emissions states that: "A key theme of the NPPF is that developments should enable future occupiers to make 'green' vehicle choices and incorporate facilities for charging plug-in and other ultra-low emission vehicles

(ULEVs). The NPPF (paragraph 110) requires a scheme proposal to 'be designed to enable charging of plug-in and other ULEVs in safe, accessible and convenient locations'.

Policy CS30 'Low carbon & Renewable Energy Generation' 1 Energy states 'Development should seek to reduce carbon dioxide emissions through the inclusion of mitigation measures...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.

The Council policy document 'Rotherham Council Responding to the Climate Emergency' aims to reduce borough-wide carbon emissions to net zero by 2040 and one of the key areas identified to reduce borough-wide transport emissions is to 'facilitate a borough-wide switch to EVs (electric vehicles) and Ultra Low Emission Vehicles (ULEVs) through continuing to expand charging infrastructure' (para.6.8.5 of the policy document). Ensuring that new development is equipped with appropriate charging infrastructure will help ensure that Rotherham's residents and businesses are well placed to make use of electric vehicles as the Government moves forward its plans to phase out the sale of petrol, diesel and hybrid powered vehicles."

The SPD notes that for non residential developments (for proposals with 5 or more parking spaces) the following provision is required: Vehicle charging point infrastructure (cabling routes) to serve every car parking space and a minimum of 20% of parking spaces to have charging points (the exact number, specification, location and maintenance schedule for electric vehicle recharge infrastructure should be agreed with the Council). As such, a condition is recommended requiring details of the proposed provision of charging points.

In terms of Equal and Healthy Communities the store has been designed to accommodate disabled shoppers with level access, as well as disabled toilets. Furthermore the applicant has amended the proposed changing rooms to accommodate both female players and referees. As such the scheme accords with SPD5 – Equal & Healthy Communities

Ecology issues

The Council's Ecologist has assessed the submitted information and agrees with the methods used and the findings and accepts the survey results. Although no reptiles were recorded during the survey, as a matter of good practice the site should be cleared under best practice methods.

The NPPF and local development plan encourages ecological enhancement of sites subject to development proposals. The Council's Ecologist has recommended conditions including biodiversity enhancement measures and lighting to meet the requirement of the NPPF. The other matters relate to a pre commencement check of the site to ensure no presence of ground nesting birds or badgers which can be addressed by an informative.

Overall, subject to a biodiversity enhancement plan there are no objections to the proposals from an ecology standpoint.

Landscaping

There is an area of landscaping proposed around the perimeter of the buildings and also on the front boundary of the site consisting of a hedgerow. Landscaping within the highway verge is also proposed, a licence for which can be authorised by the Highways Authority. The landscaping will assist in softening the appearance of the building as well as mitigating the large car parking area in the centre of the site. Tree planting has been provided within the car park to reduce the visual impact of the large expanse of tarmac.

Overall, the Landscape Officer has raised no concerns regarding the clarified/revised landscaping scheme and it is considered that the proposed development is of an appropriate scale and design and which will comply with the general advice within the NPPF and Core Strategy Policy.

An objector has raised concerns regarding the loss of a memorial tree. The applicant has indicated that this relates to a small tree/bush on site in front of the Church, and that it can be replanted at Aston or Ulley churchyards. The Church have confirmed that they will work with the relatives to provide alternative replacement if they so wish, most likely within the Ulley churchyard.

Other matters raised by objectors

Most of the objections raised by local residents and other objectors have been addressed above and/or would be covered by relevant planning conditions.

Aston Parish Council have also raised concerns in respect of parking and noise issues for local residents emanating from drivers seeking 'short cuts' (via School Street and Park Street) from Swallownest's existing shopping area. The Council's Highway Officer & Environmental Health Officer have

raised no concerns regarding this potential additional traffic and any increase would not be readily noticeable to residents.

The Parish Council also raised concerns that further parking issues would arise as a result of the reduction in available spaces at Swallownest Miners Welfare, and the expected limited availability of the Lidl car park due to the usual 90 minute maximum stay they impose 24/7. Lidl have confirmed that they do not intend to install ANPR cameras to enforce parking restrictions and have agreed to a condition that 2 hours free parking is provided and the Council's Highways Section do not foresee any parking concerns.

Finally, the Parish Council is concerned about possible anti-social-behaviour on an open access car park during store closure hours, which would be detrimental to residential amenity. Lidl have confirmed that they intend to provide CCTV to monitor the store to prevent any anti social behaviour, and a condition is recommended to address this.

Conclusion

In terms of the impact of the new store on existing retail provision in the area, the applicant has demonstrated that there is no sequential preferable site and that subject to relevant conditions the retail impact upon Swallownest Town Centre will be acceptable.

The applicant has satisfactorily demonstrated that there is no longer any community need for the existing Church on the site, in line with Policy SP62, and the loss of the allocated Green Space is accepted as the applicant proposes significant improvements to adjoining playing fields. In addition, the developments proposed within the Green Belt element of the application site are appropriate.

The site access is predicted to operate within capacity in both 2019 and 2024 design years and the proposal is considered unlikely to result in a material adverse impact in highway/transportation terms and can be supported subject to conditions.

No flooding or drainage concerns are raised subject to conditions.

The proposed design of the unit is considered to reflect a modern retail building that will be of a good architectural standard and will sit acceptably within the varied street scene and uses within this part of Swallownest.

The submitted tree, landscaping and ecology information is overall considered acceptable, subject to final details with associated conditions where appropriate. The development would not lead to significant impact on the amenity of local residents.

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. Condition number 17 & 24 of this permission requires 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 17 & 24 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

General

01

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

Reason

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

02

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

Site Location Plan 2029 P411
Prop Floor Plan 2029 P100 Rev D1
Prop Areas Plan 2029 P101 Rev A1
Prop Changing Room Floor Plans 2029 P110 Rev B
Prop Elevations 2029 P200 Rev C1
Prop Changing Room Elevations 2029 P210 Rev A
Prop Changing Room Section 2029 P300 Rev A
Site Plan 2029 P402 Rev R1
Surface Treatments 2029 P403 Rev J1
Boundary Treatments 2029 P404 Rev H1
Levels and Falls 2029 P405 Rev K1
Masterplan 2029 P407 Rev M1
Miners Welfare Site Plan 2029 P412 Rev C1

Landscape Masterplan R-2111 Rev 1A
Landscape Details R-2111 Rev 2B

Reason

To define the permission and for the avoidance of doubt.

03

The changing rooms, Miners Welfare car parking spaces and new playing area as shown on the Proposed Masterplan, drawing number P407, revision M1, shall be provided and made available for use before the food store hereby permitted is brought into use.

Reason:

To ensure the satisfactory quantity, quality and accessibility of compensatory sports provision and to accord with Local Plan Policy and the NPPF.

04

Within three months of the commencement of the development hereby approved, the following documents shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England:

- a. A detailed assessment of ground conditions (including drainage and topography) of the new playing area as shown on the Proposed Masterplan, dated September 2018, drawing number P407, revision M1, which identifies constraints which could affect playing field quality; and
- b. Based on the results of the assessment to be carried out pursuant to 'a' above, a detailed scheme which ensures that the playing field will be provided to meet Sport England requirements. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full before the food store hereby permitted is brought into use. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason:

To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy and the NPPF.

05

The materials used in the construction of the retail store hereby approved shall be in accordance with the Proposed Elevations plan P200 rev C1.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

06

The materials used in the construction of the changing room hereby approved shall be in accordance with the Proposed Elevations plan P210 rev A1.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

07

The retail store 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, and a BREEAM Assessor's report (or alternative applicant sustainability statement) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

08

The Boundary Treatment shown on Plan P404 Rev H1 shall be undertaken prior to the supermarket being brought into use.

Reason

In the interest of visual amenity and security.

09

Details of vehicle charging point infrastructure (cabling routes) to serve the car parking area along with the number, specification, location and maintenance schedule for electric vehicle charging points shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until the approved details have been implemented.

Reason

In the interests of sustainable development and air quality

Noise

10

All commercial deliveries to, or collections from the retail store shall be carried out between the hours of:

Monday to Saturday: 0800 – 2000

Sunday and Bank Holidays: 1000 – 1800

Reason

In the interests of the amenities of the locality and occupiers of nearby residential properties in accordance with the Local Plan.

11

The retail store hereby permitted shall be open to the general public between the hours of 0800 – 2200 Monday to Saturday
1000 – 1600 on Sundays and Bank Holiday Mondays.

Reason

In the interests of the amenities of the locality and occupiers of the nearby residential properties in accordance with the Local Plan.

12

Details of CCTV coverage of the retail store parking area shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the retail store is brought into use.

Reason

To address issues of potential anti social behaviour in the car park area and in the interests of the amenities of the locality and occupiers of the nearby residential properties in accordance with the Local Plan.

Highways

13

Details of the proposed alterations to road markings in Rotherham Road fronting the site required by the formation of the new vehicular access to the retail store, including timescales for implementation, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented in accordance with the approved details.

Reason

In the interests of road safety.

14

The retail store development shall not be brought into use until the redundant vehicular accesses denoted on the approved site plan have been permanently closed and the kerblineline/footway/verge reinstated in accordance with details which shall be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety

15

Before any part of 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.

16

Before either the sports changing rooms or the retail store are brought into use the respective car parking areas shown on the approved 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.

17

Prior to the commencement of any 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 proposed hours of construction on/deliveries to the site;

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

18

The measures contained within the framework Travel Plan shall be fully implemented during the lifetime of the development. 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 strategy.

Reason

In order to promote sustainable transport choices.

Drainage

19

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

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

Reason

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

20

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.

Lighting

21

Prior to the retail store being brought into use, details of external lighting to the store and the car park shall be submitted to and approved in writing by the Local Planning Authority. The store shall not be brought into use until the approved lighting has been provided.

Reason

In the interests of the amenities of the occupiers of nearby residential properties and local ecology, in accordance with the NPPF and the adopted Local Plan.

Landscaping and Ecology

22

Before the development is brought into use, the approved Landscape scheme as indicated on Dwg (R-2111 Rev 1A & R-2111 Rev 2B), and including landscaping within the public highway (subject to appropriate licence) shall be implemented in accordance with RMBC Landscape Design Guide (April 2014) in the first available planting season after the commencement of development and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

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 the NPPF and the adopted Local Plan.

23

The biodiversity mitigation measures set out in the revised Ecology Report (12131_R01b_JD_LP) dated 21 August 2019:

1. Provision of at least 3,000m² species-rich grassland planting;
2. Provision of linear scrubby hedgerow planting around northern and western boundaries of amenity grassland at a minimum length of 100m;
3. Sensitive lighting scheme to minimise impacts on foraging bats;
4. Sensitive timing of scrub removal to avoid the nesting bird season, or nesting bird checks within the nesting bird season; and
5. A pre-commencement badger survey.

shall be undertaken during the course of the development and all mitigation measures implemented within the first planting season of the development being occupied.

Reason

In the interest of biodiversity.

Pollution Control

24

Prior to development commencing if any cut and fill earth movements are required at the application site then these works will need to be undertaken in accordance with a detailed earthworks/materials management plan (CL:AIRE Industry Code of Practice) to be submitted for approval by the Local Planning

Authority, to ensure that the geotechnical and contamination risks will be managed appropriately.

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.

25

In all areas of soft landscaping a clean soil capping layer of 450mm is required comprising a minimum of 150mm of topsoil. If subsoils / topsoils are required to be imported to site for these remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination.

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.

26

In the event that during development works unforeseen 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.

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.

27

A design sulphate classification of DS-1 and the corresponding aggressive chemical environment for concrete (ACEC) AC-1 shall be adopted for all sub surface concrete due to 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.

28

Following completion of any remedial/ground preparation works a Validation Report shall be forwarded to the Local Planning Authority for review and comment. The Validation Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with 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 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.

Retail Impact

29

The retail store hereby approved shall have a maximum sales area of 1,174 sqm net, which should not be increased nor shall the use change to any other use falling with Use Class E without the prior written approval of the Local Planning Authority.

Reason

In the interest of the retail health of Swallownest Town Centre.

30

The convenience/comparison floorspace split of the store hereby approved should be 939 sqm net for convenience and 235 sqm for comparison goods. The split should not be changed without the prior written approval of the Local Planning Authority.

Reason

In the interest of the retail health of Swallownest Town Centre.

31

The retail store hereby approved should not be split into multiple units without the prior written approval of the Local Planning Authority.

Reason

In the interest of the retail health of Swallownest Town Centre.

32

Details of directional signage to Swallownest Town Centre shall be submitted to and approved in writing by the Local Planning Authority and the retail store shall not be brought into use until the signs are installed.

Reason

To encourage linked trips to Swallownest Town Centre.

33

Two hours free parking shall be provided within the retail store car park during the store's hours of operation.

Reason

In the interest of encouraging linked trips between the site and Swallownest Town Centre.

Informatives

01

RMBC Highways

The applicant is reminded that the works required by condition No. 13 will necessitate the developers entering into a S278 Agreement, Highways Act, 1980.

02

Any new planting with the highway verge will require consent from the Local Highway Authority. The applicant is advised to contact Bob Wright: Robert.Wright@rotherham.gov.uk, 01709822829.

03

Yorkshire Water

i) the developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge a trade effluent to the public sewer network;

ii) foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network; and

iii) under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

04

Wildlife Legislation

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.

05

Japanese Knotweed

The application site contains Japanese knotweed. This is a highly invasive plant, the treatment of which must comply with Section 14(2) of the Wildlife and Countryside Act (as amended) 1981 and sections 33 and 34 of the Environmental Protection Act 1990. It is advised that the Council's Neighbourhoods Service (Tel: 01709 823172) or the Environment Agency (Tel: 0113 2440191) is contacted to provide advice on how it should be treated and / or disposed of.

The Code of Practice for the Management, Destruction and Disposal of Japanese Knotweed on development sites can be found on the Environment Agency website:

www.environment-agency.gov.uk

06

Asbestos

Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E

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	RB2019/1483
Proposal and Location	Erection of 3 storey apartment building comprising of 29no. apartments at Land to the rear of Humphrey Davy House, Golden Smithies Lane, Manvers
Recommendation	A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following: • Commuted sum of £50,510 in lieu of on-site Affordable housing provision B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.



Site Description & Location

The application site consists of land to the rear of Humphrey Davy House on Golden Smithies Lane. The site was formerly the car park to the Humphrey Davy House and has been disused for a number of years.

The existing building on the site frontage has been converted to apartments under an earlier approval. The site boundary adjoins the open Green Belt to the south and the vehicular access to the site is obtained to the north of the main building. A bus stop lies outside of the site on the frontage with Golden Smithies Lane and an existing footpath runs along the northern boundary of the application site.

Background

RB2018/1172 – Conversion, extension and change of use of existing building to create 109 apartments (Use class C3) – Granted Conditionally

Community Infrastructure Levy

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

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

Proposal

The application seeks full planning permission for the construction of a new building comprising of 29 apartments. The proposed building is three storeys in height and has a hipped roof to follow the form of the existing Humphrey Davy House. The materials are proposed to be brickwork and render. The design has regular window opening and follows the form of the adjacent building at Humphrey Davy House in terms of architectural style.

The development would utilise the existing access/egress to the existing building adjacent to the site and parking is to be provided to the front and side of the proposed building. A significant area of landscaping is identified which is proposed to represent the public open space for the proposed development.

The building comprises of 29 apartments, of which 22 would be one bedroom and 7 would be two bedroom.

The following supporting documents have been submitted:

- Planning Statement
- Land Contamination
- Landscape Strategy
- Flood Risk Assessment
- Travel Plan
- Building for Life Assessment

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:

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'
SP16 'Land Identified for Industrial and Business Uses'
SP 17 'Other Uses within Business, and Industrial and Business Areas'
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'
SP62 'Safeguarding Community Facilities'
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 representations have been received.

Consultations

RMBC - Transportation and Infrastructure Unit have assessed the submitted information within the Transport Assessment and Travel Plan and raise no objections to the proposed development subject to conditions

RMBC - Drainage raise no objections to the proposed development

RMBC – Education note that a contribution would be requested towards Wath Victoria Primary School

RMBC: Public Right of Way - note that public footpath No. 3 Wath runs along the northern boundary of the site.

RMBC - Affordable Housing Officer –An agreement has been secured with the applicant for a commuted sum of £50,510 in lieu of on-site delivery for this scheme.

RMBC - Environmental Health – acknowledge that the site lies within an existing commercial/light industrial area. As such there is the potential for noise nuisance to affect proposed residential dwellings from existing developments. A condition requiring the submission of a noise assessment is therefore recommended prior to the commencement of development.

RMBC - Landscape Design raised some concerns regarding the position of the proposed building in relation to the adjacent Green Belt.

South Yorkshire Police – recommend that the development is designed to Secure by Design standards.

Appraisal

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

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and

(c) any other material considerations. - S. 70 (2) TCPA '90.

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

The main considerations in the determination of the application are:

- The principle of the development
- Design, layout and scale
- Impact on Existing and Proposed Residents
- Provision of open space on the site
- Transportation issues
- Drainage and flood risk issues
- Landscape matters
- Planning Obligations

The principle of the development

The application site is allocated for Industrial and Business Use in the Local Plan. It is however the redundant car park of the former Sheffield University Campus building which was recently granted planning permission for conversion to residential use. The site is somewhat landlocked as it is accessed via the Humphrey Davy House site and lies adjacent to the Green Belt.

It is considered that the principle of the loss of the industrial/business use on this site has already been established by the granting of planning permission for the adjacent building. It was concluded as part of the assessment of that earlier permission that the site never contributed to the provision of employment uses and was vacant for in excess of 10 years. It was previously occupied as a satellite site for Sheffield Hallam University and the site of the current application was a large area of car parking associated with that building. The proposed development of the car park area for residential use completes the developable area around Humphrey Davy House and it is not considered that alternative land uses for this site are feasible given the aforementioned constraints.

The proposed development represents a windfall site which will deliver 29 apartments and contribute to the Borough's Housing Delivery.

The site is located within a sustainable location in terms of proximity to public transport stops, which are located immediately adjacent to the site on Golden Smithies Lane. It is however accepted that the site is not located within 800m to a local convenience shop and a reasonable range of other services or community facilities. However, given the proximity of the bus stops which serve a local bus route to outlying towns and villages on a half hourly basis, future residents would be ideally situated to maximise these routes. Furthermore, services within a 5km cycle catchment area include 3 rail

stations, hairdressers, takeaways, churches, public houses, mini supermarket and a doctor's surgery. It is therefore considered that whilst the site does not confirm to the 800m walking distance to local services, there are alternative modes of public transport available which provide a frequent bus service to many local centres including Barnsley, Stairfoot, Wombwell, Wath upon Dearne, Manvers, Goldthorpe and Thurnscoe. Accordingly, the site is not considered to be isolated or remote from services/ amenities, and as a consequence future residents would not be overly reliant on private vehicles to access such facilities.

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..... 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 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 proposed building follows the architectural style of the adjacent Humphrey Davy House. It is a substantial building which will be seen in the

context of the adjacent building when viewed from the Green Belt. The regular fenestration and general window arrangement is modern in design and reflects the character of the existing building on site.

The views of the proposed development will be screened to some extent from Golden Smithies Lane by Humphrey Davy House and the proposed building is approximately one storey lower in height than the existing building.

Whilst the design is modern, the site does not form a part of a traditional street scene and is surrounded by a number of utilitarian buildings including office developments and the adjacent Dearne Valley College. It is therefore considered that the proposal which follows the form of the existing adjacent building represents an appropriate form of development. Furthermore, the internal layout accords with the spacing standards set out within the South Yorkshire Residential Design Guide.

It is considered that the design, scale and massing of the proposed building is acceptable and will contribute positively to the character of the area. It is therefore considered that the proposal meets the requirements of Local Plan Policies CS28 and SP55 and the NPPF.

Impact on existing/proposed residents.

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 development sits adjacent to the existing and recently converted Humphrey Davy House. In assessing the impact of residential amenity on future residents, 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."* In this instance the only properties that are affected by the proposed development are those in the adjacent building which is located in excess of 21 metres from the proposed new building. It is therefore considered to be acceptable and will not result in any loss of privacy or have an overbearing impact.

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 proposed application is below the threshold referred to in Policy SP37, however, the submitted site layout includes provision of approximately 2900 square metres of open space which is considerably in excess of the 55 square metres per unit for the proposed 29 residential units. It is therefore considered that the green space provision would ensure adequate provision of amenity space within the development site which accords with the above mentioned policy.

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.”*

The site is located approximately 1.47km to the east of Wath upon Dearne and is located close to other local centres such as Swinton, Mexborough and Bolton upon Dearne. There are bus stops on Golden Smithies Lane within 150m of the site. Both have the benefit of passenger shelters and timetable cases. The local service that currently utilise these stops is Service no. 226. This provide a regular half hourly week day service to the large town of Barnsley, Stairfoot, Wombwell, Wath upon Dearne, Manvers, Goldthorpe and Thurnscoe and an hourly service on a Sunday.

There are railway stations at Swinton, Mexborough and Bolton upon Dearne within the catchment area. These stations are on the Dearne Valley and Wakefield lines and provide regular services to Sheffield, Wakefield, Rotherham and Leeds plus many other local stations.

Having regard to pedestrian accessibility, the majority of Wath upon Dearne, and parts of Swinton and Bolton upon Dearne are within the 2km walking distance of the site. There are pedestrian refuge islands at the roundabout junctions and at strategic points along the major routes aiding safe pedestrian movement across these busy routes. Public rights of way are available to the north and south of the application site. Wath no. 26 provides a connection to the south of Wath upon Dearne and a link to the comprehensive school and the footpath to the north, Wath no. 3 provides a link to the town centre. it is concluded that safe and convenient access to the site is readily available for pedestrians.

Having regard to the above, it is considered that the site lies within a relatively sustainable location in that it is well located, close to public transport modes. To supplement this, a condition is recommended that requires the applicant to submit a Travel Plan that will set out how the use of sustainable travel will be promoted, in line with Policy SP26 ‘Sustainable Transport for development’.

Having regard to the proposed layout, a total of 73 car parking spaces are proposed which accords with the Council’s parking standards for new residential development, no objections are raised given the location of the site, in proximity to good public transport links.

Access and egress to the site will be gained via the existing northern access point which will be used to access the adjacent converted Humphrey Davy House. The southernmost access will be permanently closed which was

confirmed at the previous permission for the adjacent site. This arrangement has been considered by the Council's Transportation Infrastructure Service, who have confirmed that it is acceptable and will not have a detrimental impact on highway safety.

Having had regard to all of the above, the proposed development is considered to be acceptable and in accordance with the requirements of Policies CS14 'Accessible Places and Managing Demand for Travel and SP26 'Sustainable Transport for development' together with guidance contained within the NPPF.

Drainage and flood risk issues

Policy CS24' Conserving and Enhancing the Water Environment' states:

"Proposals will be supported which:

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

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

Policy SP47" Understanding and Managing Flood Risk and Drainage" states, part, that: *"The Council will expect proposals to:*

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

Paragraph 163 of the NPPF notes in part that: *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.”*

A Flood Risk Assessment has been submitted in support of the application which conforms that that site lies within a Flood Zone 1 as identified on the Environment Agency’s flood maps. Furthermore, the proposal would not result in a substantial increase in built form and as such would not give rise to an unacceptable risk of flooding at any other site.

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 on to 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 site currently forms part of the extensive industrial estates centred along Manvers Road and described as the Manvers Golden Smithies Industrial Area. The southern boundary of the site is defined by Green Belt and the Dearne Green Infrastructure Corridor runs along Doncaster Road forming the northern boundary. The site is on the edge of the Wath and Swinton Farmlands – Swinton Racecourse Character Area. The majority of the application site is dominated by car parking.

It is acknowledged that the site lies adjacent to existing Green Belt, however, when viewed from this direction the proposed building will be seen against the backdrop of the existing Humphrey Davy House. The proposed building is lower in height and of a smaller scale than the existing building. Whilst the Landscape Team have raised some concerns regarding the position of the proposed building, it is also noted that there is a buffer/separation between the site boundary with the Green Belt which will assist in minimising any impact. It is also noted that within the immediate vicinity there are buildings which are sited very close to the boundary with the Green Belt and therefore when this part of Golden Smithies Lane is viewed from that adjacent open space it is seen in the context of the surrounding developments. In this instance, the resiting of the building would have pushed the development closer to the existing Humphrey Davy house, thereby compromising residential amenity and the creation of internal greenspace and car parking. In this instance it is not considered that the proposal would have a detrimental impact on the openness of the Green Belt.

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.

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

On this basis, the proposed development triggers the requirement for 25% of the 29 units to be delivered as Affordable Housing Units. However, after consultation with local Housing Associations it has been established that they no longer wish to purchase apartments in blocks where they do not own the whole building. This is due primarily to the fact that they do not control the leasehold so cannot cap fees for ground rent and service charges which in turn makes the properties in the blocks “unaffordable” especially for those who claim Housing Benefit as most service charges are excluded from this benefit. Also there is often a conflict of lifestyle issues and there are new national standards relating to fire regulations and fire safety checks now being imposed on social housing providers.

Housing Associations cannot therefore comply with these standards if they do not own the whole block and do not have the legal powers to impose the standards onto the other owners of the apartments in a block in order to cover the costs of these.

The application is also supported by a Viability Appraisal which has been independently assessed. This document states that the development only becomes viable with a financial contribution of £50,510. The main area for consideration were the build costs and the sales values of the proposed development, however, evidence of Industry Standard build costs and local sales values have been received and used to calculate the proposed contribution level and on this basis, it is considered that the proposed contribution is fully justified.

With the above circumstances in mind the following S106 Obligation is recommended should Planning Permission be approved.

- A commuted sum of £50,510 in lieu of on-site affordable housing provision

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

Conclusion

Having regard to the above, it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that would be in compliance with the requirements set out in the Local Plan and the NPPF. As such, subject to the signing of the Section 106 Agreement, in respect of the matter of affordable housing, it is recommended that planning permission be granted subject to conditions.

Conditions

01

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

Reason

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

02

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

Reason

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

03

No above ground development shall commence until a protocol for implementing, monitoring and reviewing the submitted Travel Plan Framework, in conjunction with the Local Planning Authority, and a timetable for the implementation of the protocol and the travel plan, have been submitted to and approved in writing by the local planning authority. The travel plan shall be implemented in full in accordance with the approved timetable and protocol unless otherwise agreed in writing by the local planning authority.

Reason

In the interest of highway safety.

04

Before the development is occupied, the existing southernmost vehicular access to Golden Smithies Lane shall be permanently closed to vehicles and the kerbline/footway reinstated.

Reason

In the interest of highway safety.

05

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

Reason

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

06

Prior to the occupation of the development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before first occupation of the development.

Reason

In the interests of the visual amenity of the area.

07

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

08

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

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum (30)% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason

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

09

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 brought into use. The scheme to be submitted shall demonstrate:

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

Reason

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

10

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

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 the Local plan and the NPPF.

NOISE

12

Prior to any above ground development or occupation of the building, a noise report carried out by a specialist noise consultant or suitably qualified person shall be submitted to and approved by the Local Planning Authority. The report shall assess the impact of existing noise sources on the proposed residential dwellings and shall be conducted in accordance with BS4142:2014 & CRTN (or similar).

Any approved recommendations and/or mitigation measures shall be implemented on site.

Reason

In the interest of the residential amenity of future occupiers of the development and in accordance with the Local Plan.

LANDSCAPE

13

No above ground development shall commence, excluding internal works on the existing building, until a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and prior to the occupation of the first apartment.

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 the Local Plan.

14

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

Informatives

01

The boundary treatment to the north of the site adjacent to the public foot path shall not be a high solid fence to avoid a tunnel affect being created for the footpath users.

02

The applicant is advised that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 2 part B5 section 16. Water supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

03

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

04

There shall be no burning of any waste items including green waste on the application site at any time. The disposal of refuse by burning is an offence unless carried on under, and in accordance with, a waste management licence issued by the Environment Agency. All waste shall be removed by a licensed carrier and the relevant paperwork sought and retained. This is a legal requirement.

If you are permitted to have bonfires, you must ensure that any smoke produced does not cause a nuisance to neighbours. If a nuisance is witnessed, or if it is likely to occur, then Neighbourhood Enforcement would be required to serve an Abatement Notice upon you, prohibiting any further smoke nuisance. Failure to comply with an Abatement Notice without reasonable excuse is an offence.

POSITIVE AND PROACTIVE STATEMENT

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