

PLANNING REGULATORY BOARD

Date:- Thursday 4 November 2021 **Venue:- Town Hall, The Crofts,
Moorgate Street, Rotherham.
S60 2TH**

Time:- 9.00 a.m.

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

AGENDA

1. Exclusion of the Press and Public
2. Matters of Urgency
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 5)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 14th October, 2021 (Pages 6 - 8)
6. Deferments/Site Visits (information attached) (Pages 9 - 10)
7. Development Proposals (Pages 11 - 70)
8. Updates
9. Date of next meeting - Thursday, 25th November, 2021 at 9.00 a.m.

Membership of the Planning Board 2021/22

Chair – Councillor Atkin
Vice-Chair – Councillor Bird
Councillors A. Carter, Castledine-Dack, Cowan, Elliott, Fisher, Havard, Keenan, Lelliott,
McNeely, Sansome, Tinsley, Wilson and Wooding.

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

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 online at least 5 days prior to the meeting, and a few copies will be made available at the meeting, so you can read the report 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.

Take time to familiarise yourself with the layout of the Chamber and the procedure of the meeting, before 'your' application is reached.

Please note that applications can sometimes be withdrawn or deferred at short notice. **The Council will do its best to notify the public in advance**, but on occasions this may not be possible.

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.

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.

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 meeting.

KEEP SAFE WHILE VISITING RIVERSIDE HOUSE AND THE TOWN HALL



HOUSE KEEPING TIPS

- Meeting rooms and the Council Chamber will be sanitised before and after every meeting.
- Follow the one-way systems in place.
- Only one person (and their carer) should use a lift at a time.
- You're advised to take LFD tests at home, regularly if you don't have symptoms. **Visit the Council's website for details of where and how to get free LFD tests.**
- If you have any **symptoms of COVID-19**, you must self-isolate at home and book a PCR test. **Visit the Council's website for details of how to book a PCR test.**

Further information about COVID-19 can be found at
www.rotherham.gov.uk/coronavirus

www.rotherham.gov.uk/coronavirus



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
14th October, 2021

Present:- Councillor Atkin (in the Chair); Councillors A Carter, Castledine-Dack, Cowen, R. Elliott, Fisher, Havard, Keenan, Lelliott, McNeely, Sansome, Tinsley, Wilson and Wooding.

An apology was received from Councillor Bird.

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

41. EXCLUSION OF THE PRESS AND PUBLIC

There were no items on the agenda to warrant exclusion of the press and public.

42. MATTERS OF URGENCY

There were no matters of urgency for consideration.

43. DECLARATIONS OF INTEREST

Councillor Castledine-Dack declared a disclosable pecuniary interest in application RB2021/1540 (erection of 197 No. dwellinghouses and associated works at land off Chapel Way/Lambrell Avenue, Kiveton Park for Strata Homes) on the grounds that her employer, Alexander Stafford M.P., had submitted a objection and had requested his written statement be read out at the meeting.

Councillor Castledine-Dack left the room during consideration of this application.

44. MINUTES OF THE PREVIOUS MEETING HELD ON 23RD SEPTEMBER, 2021

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 23rd September, 2021, be approved as a correct record of the meeting.

45. DEFERMENTS/SITE VISITS

There were no site visits recommended.

46. 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 following application:-

- Erection of 197 No. dwellinghouses with access, landscaping & associated works at land off Chapel Way/ Lambrell Avenue Kiveton Park for Strata Homes (RB2021/1540)

Ms. C. Linley (Applicant)

Councillor D. Beck (Objector)

A statement was also read out on behalf of Alexander Stafford, M.P. (Objector)

(2) That, with regards to application RB2021/1540:-

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

- 43 Affordable Housing Units on site.
- A commuted sum of £384,422, towards Secondary/SEND (Special Educational Needs and Disability) and SEMH (Social, Emotional and Mental Health) education provision in the area.
- A commuted sum of £98,500 towards sustainable travel encouragement.
- Financial contribution of £30,000 to enable improvements to children's play area at the Parish Council recreation ground off Wales Road.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.

(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.

47. UPDATES

The following update information was provided:-

(a) Public Inquiry

The Head of Planning confirmed the scheduled dates from the 9th– 19th November for the virtual public inquiry following the refusal of planning permission and subsequent appeal for the erection of 116

PLANNING BOARD - 14/10/21

No. dwellinghouses, landscaping, public open space and associated infrastructure at the Pitches Sports Club, Wickersley Road, Broom for Newett Homes Limited (RB2019/0539).

The Head of Planning would share the proposed schedule with Members of the Planning Board once it was known and invited Members to join and observe the public inquiry proceedings.

48. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 4th November, 2021 at 9.00 a.m. at Rotherham Town Hall.

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 4TH NOVEMBER 2021**

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

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<p>RB2021/1372 Reserved matters application (details of appearance, landscaping, layout and scale) for the formation of a proposed motorway service area with details of access (comprising main service station building, car fuel filling station, HGV amenity building, HGV fuel filling station, formation of car, coach and caravan parking areas and associated works) (reserved by outline RB2017/1347) at Motorway Service Area Rotherway Brinsworth for Applegreen Plc</p>	<p>Pages 12-56</p>
<p>RB2021/1385 Erection of a Drive-thru unit (use class E) at land at junction 33 M1 Motorway Brinsworth for Applegreen Plc</p>	<p>Pages 57-70</p>

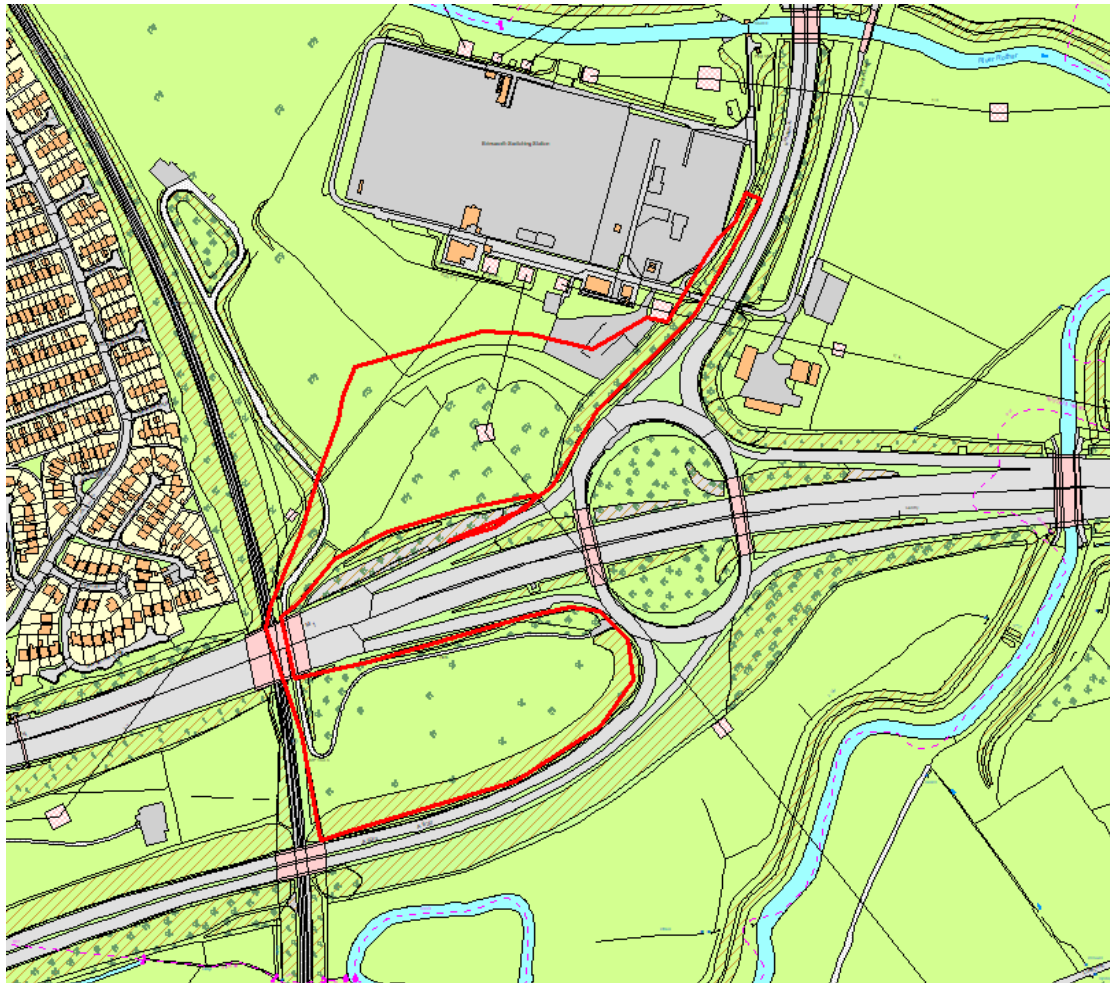
**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 4TH NOVEMBER 2021**

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	RB2021/1372 https://rotherham.planportal.co.uk/?id=RB2021/1372
Proposal and Location	Reserved matters application (details of appearance, landscaping, layout and scale) for the formation of a proposed motorway service area with details of access (comprising main service station building, car fuel filling station, HGV amenity building, HGV fuel filling station, formation of car, coach and caravan parking areas and associated works) (reserved by outline RB2017/1347) at Motorway Service Area, Rotherway, Brinsworth
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as it is a 'Major' application and the outline application was determined at Planning Board.

Site Description & Location



The application site comprises of 7.93 hectares of land situated to the north and south of the M1 motorway, immediately to the west of Junction 33.

The land south and east is predominantly rural and the land to the north and west is urban. The valley of the River Rother runs in a loop around the east of the site from south-west to north-east and smaller tributary streams flow into the River from the east. The valley is heavily influenced by the presence of road infrastructure, road embankments and electrical infrastructure (pylons and a major substation).

To the north of the site lies a strip of greenfield land, beyond which, at a distance of circa 40m, lies a large electricity sub-station. Further north, at a distance of circa 450m, is Canklow Industrial Estate, beyond which lies a row of dwellings off West Bawtry Road. The main built up area of Rotherham is located circa 2.8km north of the site.

To the immediate east of the site is Catcliffe Roundabout and the A630 dual carriageway. Beyond this, the landscape is generally more rural in nature but is dominated by M1 road corridor, which runs directly east from junction 33 / Catcliffe Roundabout. The River Rother lies circa 400m to the east of the site. There is also a waste water treatment works circa 700m south east of the site. The southern tip of the Whiston residential area is located circa 630m north east of the site and the minor settlement of Guilthwaite is located circa 1.7km to the east.

To the immediate south of the site is the A630 Sheffield Parkway, beyond which is agricultural land and, at a distance of circa 280m, lies the River Rother. Beyond the river is further agricultural land before the settlement of Treeton, which is situated circa 670m to the south of the site boundary.

The main body of the site is bounded to the west by an operational railway line, beyond this to the North West lies residential properties in the Brinsworth area. Beyond the railway line to the south west is a field running up to Whitehill Lane.

The site is currently covered by a mixture of scrub vegetation and some areas of hardstanding including part of a site access, which was constructed in connection with the implementation of another planning consent on the site.

The northern section of the site is of an irregular, but broadly triangular shape, running east-west alongside the northern side of the M1. The southern section of the site is of a broadly oval shape running east-west alongside the southern side of the M1. The northern and southern sections of the site have variable topographies.

The only access to the site at present is via a gated slip road located off Catcliffe Roundabout on its eastern boundary.

The nearest residential properties to the site are located approximately 40m to the west of the site within Brinsworth. Other residential areas in close proximity to the site include Catcliffe (circa 360m to the west), Treeton (approximately 670m to the south) and Whiston (circa 630m to the north-east).

There are no public rights of way through the application site, but there are a series of public rights of way through the Rother Valley to the east and south of the site.

Background

There has been a number of applications submitted relating to this site, the most relevant of which are detailed below:

RB1988/0456 – Outline application for hotel (approx. 200 bedrooms) conference & leisure facilities – Granted conditionally – 08/08/1991

RB1992/0295 – Outline application for a five storey 200 bed hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road with travel lodge, diner / restaurant, petrol filling station – Granted conditionally – 25/05/1994

RB1997/0572 – Outline application for a five storey 200 bedroom hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road, with travel lodge, diner / restaurant, petrol filling station, associated access parking and landscaping, and with access to adjacent switching station – Granted conditionally – 29/01/1998

RB2001/0015 – Application under Section 73 of the Town and Country Planning Act 1990, to vary standard condition (A) (period for submission of application for approval of reserved matters) of outline planning permission R97/0572, for a five storey 200 bedroom hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road, with travel lodge, diner / restaurant, petrol filling station, associated access parking and landscaping, and with access to adjacent switching station – Granted conditionally – 15/03/2001

RB2003/2200 – Details of the erection of a 5 storey hotel, a 3 storey hotel, petrol filling station and restaurant (matters reserved by R97/572P) – Granted conditionally – 28/10/2004

RB2005/0949 – Application under Section 73 of the Town & Country Planning Act 1990 to vary standard conditions (a) and condition 1 imposed by RB2001/0015 (Outline application for the erection of a five storey hotel, travel lodge, diner and petrol filling station) to allow later submission of reserved matters – Granted conditionally – 16/12/2005

RB2006/0153 – Details of the erection of a five storey hotel, a four storey hotel, a public house/restaurant and associated access, car parking and landscaping works (reserved by outline RB2005/949) – Granted conditionally – 11 May 2006

RB2006/0241 – Remodelling of land and landscaping works and formation of vehicular access – Granted conditionally – 11/05/2006

RB2007/1494 – Application for variation of condition 6 (landscaping scheme to be submitted prior to commencement of development) imposed by RB2006/0241 to allow construction of access road prior to submission of landscape scheme – Granted conditionally – 27/09/2007

RB2007/1519 – Application for variation to Condition 1 (samples of material to be submitted prior to development) and Condition 2 (landscaping details to be submitted prior to development) imposed by RB2006/0153 to allow construction of access road prior to submission of material samples and landscaping scheme – Granted conditionally – 27/09/2007

RB2008/0741 – Details of the construction of access road (reserved by outline RB2005/0949) (Amendment to road layout approved under RB2006/0153) – Granted conditionally – 11/12/2008

RB2009/0757 – Application for variation to condition 7 (development of access road only in accordance with approved plans) imposed by RB2007/1494 to allow development in accordance with drawing 26783/041 Rev C approved under RB2008/0741REM – Granted conditionally – 24/09/2009

RB2013/0582 – Non-material amendment to application RB2005/0949 to remove condition 11 – Granted – 21/05/2013

Groundworks were carried out in relation to the construction of the access road and these works constituted the implementation of (i) planning permission (ref: RB2005/0949/VC) (ii) reserved matters consent (ref: RB2006/1519/VC) and (iii) full planning permission (ref: 2007/1494/VC). This was confirmed in a letter by the Council to Indigo Planning dated 12 March 2009. No works commenced in relation to the access to the site from the roundabout at Junction 33.

Accordingly, the aforementioned applications have commenced and are thus extant and can be fully implemented at any time in the future regardless of the outcome of this application.

RB2017/1347 – Outline application for the formation of a proposed motorway service area with details of access (comprising main service station building, car fuel filling station, HGV amenity building, HGV fuel filling station, formation of car, coach and caravan parking areas and associated works) – Granted Conditionally – 22 November 2019.

RB2021/1385 – Erection of a Drive-thru unit (use class E) – Recommended for approval subject to conditions.

RB2021/1491 – Discharge of conditions 02, 13, 16, 19, 26, 27, 33, 34 & 35 imposed by planning application RB2017/1347 – Undetermined, however all but condition 35 have been informally discharged by relevant consultees. A further discharge of condition application will be submitted in respect of condition 35 in due course and that condition will be imposed on this reserved matters application.

RB2021/1735 – Discharge of conditions 10,12, & 17 imposed by RB2017/1347 – Undetermined but relevant consultees have confirmed that the information supplied is acceptable and will be determined after the reserved matters application is determined.

Screening Opinion

The proposed development falls within the description contained at Paragraph 10 (p) – Motorway Service Areas of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the site area exceeds 0.5ha. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

The principle of a Motorway Service Area on this site, given its existing land use allocation and the current extant permission, is considered acceptable. In addition given its distance to neighbouring residential / commercial premises and built-up areas, it is unlikely to have any significant adverse effect on neighbours in respect of noise and visual amenity. Moreover, issues such as traffic generation and air quality impact can be assessed adequately via appropriate reports that would be submitted with any application and these demonstrate that that there would be only limited impact in terms of congestion and any associated indirect impacts (e.g. pollution) that may result.

It is considered that the proposal would not constitute EIA development.

Members should note that a Screening Direction was requested by EXTRA MSA during the determination of the outline application, who at the time of the outline application had an application for a MSA at J35 in Sheffield which has now been withdrawn. However, the Secretary of State agreed with the Council's analysis that this scheme is not EIA development and the regulations in respect of Environmental Impact Assessments have not changed since the outline application was approved.

Proposal

The current application is seeking approval of reserved matters for appearance, landscaping, layout and scale of the Motorway Service Area (MSA) following outline approval in 2019 (ref: RB2017/1347).

The outline application established the principle of a MSA on this site and also established the access / egress to the site.

The outline application set out the following parameters:

- The site would be split between the north and south of the site and linked via an existing underpass beneath the M1.
- The southern part of the site would comprise of a main amenity building (containing hot and cold food offers, shop, toilets, shower and seating / resting areas) and a petrol filling station.
- The northern part of the site would comprise a small amenity building for HGV users and a petrol filling area for HGVs.
- Parking for vehicles over both the north and south of the site.
- Surface Water Drainage infrastructure.
- On-site hard and soft landscape scheme, plus an off-site Habitat Enhancement Area.
- Other associated infrastructure including fencing, lighting and signage etc.
- A new junction on the north-western quadrant of the Catcliffe Roundabout (M1 Junction 33) to provide access into the MSA. It would also be used by some HGVs exiting the MSA. The main egress would be via a slip road provided from the southern half of the MSA onto Sheffield Parkway / Catcliffe Roundabout (M1 Junction 33).

The current reserved matters application is seeking consideration of the layout, scale and appearance of the site and buildings as well as the site's landscaping. All other matters were considered at the outline and cannot be revisited.

In terms of the layout it is similar to the layout put forward for illustrative purposes at the outline stage.

The northern part of the site would house an amenity building 320sq.m in area for HGV drivers and have a maximum height of 5.9m. The building would be open plan and consist of a food and drink offer, a shop and a gaming area. There would also be toilets and shower facilities. The building would be sited along the northern part's southern boundary in the south-west corner. A petrol filling station for HGV drivers is also proposed in the northern part's south-east corner.

The remainder of the northern part of the site would comprise of vehicular parking for some cars but mainly HGVs and coaches, along with areas of soft landscaping.

On the southern part of the site there will be a larger petrol filling station in its north-west corner and the main amenity building approximately 3000 sq.m in area and would have a maximum height of 12m. It would be sited to the eastern end of the site. The building would comprise of an open plan ground floor with 6 food and drink offers, a retail shop and a gaming area, seating areas and toilet facilities. Further seating facilities along with a area of external seating, conference rooms and a remote working space will be provided on a mezzanine floor that covers a section of the ground floor.

A service area will be provided to the rear of the amenity building. The remainder of the site will be for parking and landscaping.

Both amenity buildings on site will have a similar modern design and the materials will also be similar. The buildings will have a mixture of glazing and cladding. The cladding will be aluminium sheets in bronze, composite pre-coated steel in grey and beige and timber panels.

A drive thru is proposed to the south of the filling station, which did not form part of the outline and a separate application has been submitted for this.

In total there will be 460 car parking spaces, 76 HGV parking spaces, 16 parking spaces for coaches, 14 parking spaces for cars towing caravans and 15 motorcycle parking spaces. 13 spaces will have rapid EV charging points and 31 spaces will be for disabled uses.

The MSA would be open 24 hours a day, for 365 days of the year and would look to employ circa 300 staff. Working hours would be dependent on staff position / role, however there would be a significant number of employees operating on a 3 shift system. Shift changes would be timed to avoid peak hours on the local road network.

The approved access to the MSA is taken directly from the roundabout junction via the introduction of a new arm junction between the M1 Southbound off slip and Rotherway. This access will provide an entrance to the MSA for all traffic.

The approved exit from the MSA for the majority of traffic will be via a new access to Sheffield Parkway some 300m from the junction. This exit will create new traffic lanes on approach to the junction on Sheffield Parkway. The alternative exit from the site is via a new slip road to the A630 Rotherway with access to the motorway via the roundabout of A630 / A631.

This exit to Rotherway is only for the southbound HGV traffic, and will be signed as such, although this HGV traffic will also use the main exit from the facilities.

Previously approved highway improvements adjacent to the site and on the immediate surrounding highway network included:

- Upgrading of the signal junction arrangement, with entrance to the MSA directly from the junction with exit via A630 Sheffield Parkway.
- Amendments to the M1 southbound off slip road lane markings and extent of the taper to form the four-lane approach to the junction.
- An additional entry lane to the junction from M1 northbound diverge slip road to improve the entry capacity to the junction from this approach. Including 4 lanes at the roundabout.
- Additional circulatory lanes within the junction around the northern and southern parts of the junction to improve queuing capacity within the junction.
- Widening of the A630 Sheffield Parkway exit from the junction to allow a 3-lane exit from the junction. This 3-lane section to extend over some 230m; and
- Realignment of the A630 Sheffield Parkway to the junction to improve the entry radius geometry.

The above improvements were designed in line with the approved improvements to the Parkway, which are currently being built out.

The application also provides a new service road to the National Grid pylon located to the north of the M1, adjacent the HGV parking area.

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

Arboricultural Method Statement

The tree survey included a total of 28 items of vegetation of which there are 6 individual trees and 22 groups. Of these, 6 groups were identified as category 'B2' i.e. moderate quality, present in groups or woodlands such that they attract a higher collective rating than they would as individuals, and 6 trees and 16 groups were identified as category 'C2' i.e. low quality, present in groups or woodlands but without this conferring on them significantly greater collective landscape value.

The detailed proposals for the site, demonstrate the need to remove the following areas of existing (N.B. - none of the 6 individual trees require removal):

Total area of trees surveyed: 59,800m²

Category B trees: 15,458m²

Category C trees: 44,342m²

Total area of trees to be removed: 38,491m²

Category B trees: 2,902m²

Category C trees: 35,589m²

Total area of trees to be retained: 21,309m²

Category B trees: 12,556m²

Category C trees: 8,753m²

In order to mitigate for the loss of the trees to be removed to make way for the development, it is not possible to include the same quantity of new tree planting due to site constraints and the configuration of the new motorway service areas.

However, the proposed landscaping scheme includes extensive new higher quality tree planting in addition to native hedgerows and native shelterbelt tree planting as part of the layout for the motorway services. The proposals also include additional Biodiversity Enhancement to the area of off-site woodland to the north of the northern service area.

A range of tree sizes have been specified in order to provide instant visual amenity and in the interest of best horticultural practice, including semi-mature, heavy standards, standards, feathered trees, whips and transplants. This will ensure good establish of replacement tree cover using young plantation trees, whilst providing instant visual amenity by using more mature new tree stock.

Recommendations have been made within the report to safeguard the remaining trees to prevent any damage due to construction work including erection of protective fencing around them to separate from the construction activities.

As long as the recommendations within this report are fully adhered to and the recommended quantity of replacement tree planting is included in the new development, the impact of the development and loss of existing trees will be sufficiently mitigated, and the requirements of Condition 34 of the outline application will be met.

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 partially allocated for mixed use and partially allocated for Green Belt purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS4 'Green Belt'

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

CS14 'Accessible Places and Managing Demand for Travel'

CS15 'Key Routes and the Strategic Road Network'

CS19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscape'
CS25 'Dealing with Flood Risk'
CS26 'Minerals'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS31 'Mixed Use Areas'
SP2 'Development in the Green Belt'
SP23 'Out-of-Centre Retail Parks and Other Out-of-Centre Developments'
SP26 'Sustainable Transport for Development'
SP28 'Development Affecting Key Routes and the Strategic Road Network'
SP30 'Motorway Service Areas'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving and Enhancing the Natural Environment'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP54 'Contaminated and Unstable Land'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP57 'Sustainable Construction'
SP65 'Development within Mixed Use Areas'

Other Material Considerations

The NPPF as revised states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

National Planning Practice Guidance (NPPG)

Rotherham adopted Supplementary Planning Documents:

- Air Quality and Emissions
- Natural Environment

In addition to the above regard shall be had to The Traffic Signs Regulations and General Directions 2016 and Department for Transport Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'.

Publicity

The application has been advertised by way of press notice along with individual neighbour notification letters to the local residents and action groups who commented on the outline application. An e-mail has been sent directly to the two local ward councillors. No site notice has been posted because there is no public footpath or access near the site where one would

be seen / read. 25 letters of representation have been received from local residents, the Parish Council and 2 Local Ward Councillors.

The issues raised by local residents are summarised as:

- Why do we need a service station in this location?
- There is already too much traffic going through this area.
- The additional traffic will increase noise and air pollution.
- The pumping station at Catcliffe cannot cope with the extra water from this development.
- The proposal will have an adverse effect on local residents.
- The proposal will devalue houses in the area.
- Nearby villages are on a flood plain and surely all this will add to the worry, taking land and building unnecessarily on it, thus reducing green space that already struggles in times of heavy rain.
- The proposal will have an adverse impact on highway safety.
- The plans of the building's I feel that they are not sympathetic with the surrounding area. With the size of the building's and the style it looks more like an airport terminal than Service area.
- The proposal will increase light pollution in the area.
- The proposal will impact on wildlife habitats.
- I would like assurances that if the development goes ahead the site is regularly monitored to make sure that no scrub, trees etc are removed in the bird nesting season.
- Bats also roost under two local bridges. I would also like to see what measures will be put in place for biodiversity gain from this site?
- There are local schools in the area, the potential increase in pollution may have a direct impact on the health of children as there is clear evidence that pollution causes an increase in respiratory disease.

The issues raised by the Ward Councillors are summarised as:

- I have concerns regarding noise and air pollution in what is already a congested area, as well as an increased flood risk.
- The area already has a Clean Air Zone mandate and I have significant concerns that the currently proposed mitigation does not go far enough.
- I would expect that much more planting of trees and vegetation to occur, and nearby parishes (Brinsworth, Catcliffe, Treeton) are given a large quantity of trees to plant locally to try and mitigate this.
- The proposed access to the motorway service area on what is already a heavily congested motorway junction will increase and contribute to traffic and pollution flows in the area.
- There needs to be a significant Community Infrastructure Levy given to the parish councils.
- I would like to see 10mph speed limits in the place throughout the site and an enforceable no idling restriction in place on the site.
- I note that the proposed site becomes flooded with heavy rainfall and I worry that this proposal will increase the flood risk to local villages.

- I would ask that jobs created from this development have efforts to be recruited locally, with guaranteed hours contracts and paying at least the Joseph Rowntree living wage (although I appreciate this isn't a material planning consideration).
- I note on the plans 13 electric vehicle parking spaces, but I cannot find in the application confirmation that these 13 spaces will have rapid EV charging points available, which with the increased number of electric vehicles should be a necessity.

The issues raised by the Parish Council are:

- The noise and light pollution from both the M1 motorway and Parkway are already affecting the air quality in the area and adding a service station into the equation will do nothing to improve this situation.
- The Parish Council is very disappointed that the views of Brinsworth and surrounding villages have not been considered.
- If planning permission is to be granted the Parish Council asks that additional tree planting takes place to soften the view for residents and also improve air quality and that a noise barrier is also put in place.
- The Parish Council would also like to see restrictions on lighting.

2 letters of support has been received:

- Parking provision on parts of the UK motorway network for HGV drivers to take their legally required rest periods is poor. One example is the South Yorkshire section of the M1; the 28 mile distance between Woodall and Woolley Edge is too great.
- Existing services in the area and the nearby Stockyard Truckstop - are full up at night during the week. This means that HGV drivers working during this time have nowhere to stop, take their legally required breaks and rest if required. This proposed development at Catcliffe will help to alleviate this issue and lead to greater safety for all road users.

Consultations

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

RMBC – Lighting Engineer: No objections subject to conditions as per the outline.

RMBC – Landscape Design: No objections subject to conditions.

RMBC – Drainage: No objections subject to conditions on the outline being imposed on the reserved matters application.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Tree Service: No objections subject to conditions.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Air Quality: No objections.

RMBC – Ecologist: No objections subject to conditions.

Highways England: No objections subject to conditions on the outline being imposed on the reserved matters application.

National Grid: No comments received to this application but raised no objections to the outline application.

Cadent Gas Network: No comments received to this application but raised no objections to the outline application.

South Yorkshire Archaeological Service: No objections.

South Yorkshire Fire and Rescue: No objections.

South Yorkshire Police Architectural Liaison Officer: No objections.

Environment Agency: No objections.

Yorkshire Water: No objections.

Network Rail: No objections subject to conditions on the outline being imposed on this reserved matters application.

The Wildlife Trust for Sheffield and Rotherham: Have raised no amenity concerns.

The Coal Authority: No objections subject to condition 33 of RB2017/1347 being imposed on the reserved matters application.

Sheffield City Council: No response.

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.

This application is a reserved matters application to assess the matters reserved in the determination of the outline application (RB2017/1347). Whilst the outline application only specifically considered access to the site, matters relating to appearance, landscaping, layout and scale were given some consideration and weight in the determination of the outline application, due to nature of the application. In addition concerns raised at the time of the outline application by local residents and groups in terms of ecology, flooding, air quality, noise, light pollution were given consideration and the board report for the outline application is appended to the agenda for information.

A reserved matters application as stated in the National Planning Practice Guidance 'Making an Application' relates to those aspects of a proposed development which an applicant can chose not to submit details of with an outline planning application (i.e. reserved for later determination). These are defined in article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

The outline application (RB2017/1347) provided a detailed consideration and assessment of the principle of developing this site for a MSA, which included a highway need assessment, an assessment of introduction town centre uses in this out of centre location and the formation of the access in the green belt.

The outline application concluded that as all the built form and hard standing areas were on the part of the site allocated for mixed use purposes in the Local Plan, then the principle of development was acceptable and in accordance with policies CS31 'Mixed Use Areas' and SP65 'Development in Mixed Use Areas'. In addition, the proposal was deemed to comply with the requirements of SP30 'Motorway Service Areas'.

Therefore, from a land use perspective the use of the site for an MSA was deemed to be acceptable at the outline stage. Accordingly, the principle of this development cannot be revisited during the determination of this reserved matters application.

Similarly the issue in respect of need cannot be revisited. Although it is of note that the outline application clearly established that there was a requirement for a MSA on this section of the M1 in line with the Department of Transport (DfT) Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'.

Annex B of the Circular sets out policy on the provision on standards for road facilities (including MSAs) on the strategic road network. The circular at paragraph B4 emphasises that MSAs perform an important road safety function by providing opportunities for the travelling public to stop and take a break. This links to the NPPF at footnote 42 of paragraph 104 e) which states that the primary function of roadside services should be to support the safety and welfare of the road use (and most such proposals are unlikely to be nationally significant infrastructure projects). Highways England's recommendation (para B5, B6 and B7) is that MSAs should be spaced such that there is a maximum of 30 minutes travelling time between facilities. This can typically be a maximum distance of 28 miles or less on congested sections.

Paragraph B8 now concludes that once a gap of more than 28 miles has been identified, irrespective of any other factors, the need for a MSA is definitively established. Ultimately, it is interpreted that once a gap between MSAs is shown to exist it is not necessary to have regard to other considerations in determining whether a need exists, as the existence of a 28 mile gap is in itself conclusive evidence of need for planning purposes.

Currently between Woodall Services and Wolley Edge services the gap is 27.7 miles. The Truck Stop at Hellaby which some objectors have referenced does not meet the definition set out in the Circular above to be considered a MSA and as such was not considered relevant at outline stage.

The MSA was judged to meet the substantive part of the proven need for MSAs on the motorway network in South Yorkshire and will deliver driver safety and welfare benefits which are enshrined in national policy. Accordingly, the MSA met all of the relevant eligibility criteria and minimum requirements and as such was judged to be eligible for signage off the M1.

Further to the above, other issues such as constructing the access on land allocated for Green Belt and the introduction of main town centre uses onto this out of centre site were fully assessed and considered at the outline stage.

In addition, the access arrangements were deemed to be acceptable in respect of highway safety and in respect of additional traffic to the site and on the national and local road networks. However, it is of note that since the determination of the application, work has begun on the Parkway Widening Scheme which was formally approved after the determination of the outline application, as such the highway impact should be even better than when they were assessed at the outline application stage.

Therefore, given the issues of principle, and location of access have been fully considered under the outline application, they cannot be considered under this reserved matters application. In addition, matters relating to the flooding of the site, air quality / pollution impacts, noise, light pollution, ecological impacts were all considered during the outline stage and no concerns were raised.

In addition to the above, it is of significance that the site was benefiting from an outline permission for an MSA, also benefits from an extant permission for a five storey 200 bedroom hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road, with travel lodge, diner / restaurant, petrol filling station, associated access parking and landscaping, and with access to adjacent switching station that can be implemented at any point in the future.

Therefore, with regard to the above, the main considerations in assessing the reserved matters application are considered to be:

- Design Considerations
- Highway implications
- Impact on amenity
- Flood Risk and Drainage
- Landscape implications (inc. trees)
- Ecological implications
- Air Quality
- Land Contamination
- Other considerations

Design Considerations

The NPPG notes that: *“Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”*

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

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".*

This approach is echoed in National Planning Policy in the NPPF.

Paragraph 126 of the NPPF states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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 134 states *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*

In addition, CS21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. Furthermore, CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

In this instance the site layout has been dictated by the constraints of the site which has limited the majority of the northern part of the site to HGV vehicles and the southern part of the site for the majority of vehicles / customers to the site due to the height restrictions of the underpass between the two. It is also considered that the layout has been sympathetically designed to ensure that whilst it provides the sufficient parking spaces that it would require there are areas within the site of landscaping and tree planting to help soften the impact of the development. Although given the site being at a lower land level than the two roads which surround the site will provide a natural softening of the development in the surrounding area.

With regard to the buildings that are proposed to be constructed on the site, the two main amenity buildings will have a similar design and appearance due to a palette of materials that will be constant between the northern and southern parts of the site. The buildings due to their design and materials will appear as modern additions to the landscape and surrounding area is considered to be acceptable and will introduce a high quality scheme that is of an innovative design which will help to raise the standard of design in the area.

It is of note that whilst there are no buildings immediately adjacent to the site to reference in terms of design and appearance. The modern design of the buildings hereby proposed, and the palette of materials will align the buildings with the most recent developments on the nearby Advanced Manufacturing Park, which is an area of modern and creatively designed buildings.

In respect of the petrol filling station buildings and the infrastructure buildings proposed which include a substation and pumping station, these buildings have to be functional, secure and built to industry standards. As such they raise no design issues.

It is therefore considered that the proposed development in respect of design raises no concerns and would comply with the relevant national and local planning policies and guidance referred to above.

Highways

Paragraph 111 of the NPPF 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."

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, 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.

SP26 'Sustainable Transport for Development' states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 110 and 112 of the NPPF.

The access arrangements were dealt with at the outline and were deemed to be acceptable, other highway issues were also considered at the outline in terms of impact on the highway network both strategic (M1 motorway) and local (Parkway, Rother Way, Centenary Way and West and East Bawtry Road).

The outline application was assessed by both the Council's Transportation Infrastructure Service and Highways England who both found the scheme to be acceptable in highway terms.

With regard to the matters for consideration on the reserved matters application in relation to highways, the car park layout is deemed to be acceptable and in line with industry standards and the Council's Parking Standards. Furthermore, the tracking exercises submitted demonstrate that vehicles can manoeuvre appropriately.

The Council's Transportation Infrastructure Service have confirmed that subject to all conditions from the outline planning permission (RB2017/1347) being retained there are no objections to the scheme from a highway perspective.

Further to the above, Highways England have reviewed the reserved matters application. Highways England have confirmed that there does not appear to be any significant changes to the MSA proposals at the M1 J33 with the submission of the reserved matters application, which would warrant any previous agreements made with Highways England to be revisited.

However, the conditions specified in the Decision Notice of the outline permission relating to the Strategic Road Network will need to remain until the appropriate documentation has been supplied in order to discharge those conditions.

They also note that any internal layout issues will need to be a matter for the local authority to satisfy themselves regarding. However, Highways England will need to be satisfied that the underpass below the M1 can accommodate the level and type of traffic proposed, and that suitable structural soundness can be maintained.

In respect of the above it is considered that the reserved matters application raises no additional highway issues and as such the application is still in compliance with the requirements set out in the relevant national and local planning policies. Therefore, the proposal cannot be refused on highway grounds as it would not have an unacceptable impact on highway safety, or a severe impact on the road network.

It is noted that the Local Ward Councillor has asked if the speed limit within the site could be 10mph and an enforceable no idling restriction in place on the site. This information has been passed to the developer and it would be up to them to enforce if they deem it appropriate.

Impact on amenity

Paragraph 130(f) of the NPPF states 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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 185 of the NPPF states: *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”*

Local Plan policy CS27 ‘Community Health and Safety’ states: “Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.” Policy SP52 ‘Pollution Control’ states: “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.

With regard to the construction phase, a condition has previously been imposed on the outline permission requiring the submission of a Construction Management Plan before work commences on the site. In addition, further conditions have been imposed as required by Environmental Health to restrict construction working hours to 0700 to 1900 during the week and 0700 to 1300 on Saturdays, to minimise any potential noise during unsocial hours and any night time working on slip roads / access roads should only be undertaken prior to the agreement of the Council.

In respect of the building, whilst the main amenity building would be 12 metres high at its highest point, given its location on the site, the location of the site itself, land levels, boundary treatments, existing buildings in the area and distance to residential properties, it would have no adverse impact on the amenity of residents in respect of impact on views, overlooking, overshadowing or resulting in a loss of privacy.

In respect of the proposed uses, a Noise Assessment was submitted with the reserved matters application and it concludes noise levels have been considered and assessed during the construction and operational phases of development. The vibration from construction activities have been considered and are likely to result in a negligible impact magnitude even during periods when peak vibration levels are likely to be experienced and vibration during site operations is not expected to be perceptible.

The report noted that the background noise surveys demonstrate there is a high background noise level at the nearest receptors that the proposed development would have a negligible impact upon those receptors, such that

noise levels are within appropriate guidance and standards and noise sensitive receptors would be suitably protected against site noise generation.

In addition, prior to the installation of any fixed noise generating plant and machinery, precise details will need to be submitted to and approved by the Council and it should be accompanied by an additional noise impact assessment. This will ensure that any plant and machinery at the site will not have a negative impact on the nearest residential dwelling.

Some concerns were raised by objectors regarding light pollution and whilst no detailed information has been submitted in respect of type, location and number of external lighting columns that will be at the site, the Council's Lighting Engineer has indicated that subject to the lighting being in accordance with the guidance provided by the Institute of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution", there will be no obstructive lighting.

It is therefore considered that whilst the information provided with this application is limited, subject to recommended conditions, the proposed building, plant and machinery, lighting and use would raise no amenity issues. Accordingly, the proposal would be in accordance with paragraphs 130 and 185 of the NPPF and Local Plan policies CS27 and SP52.

Flood Risk and Drainage

Policy CS25 'Dealing with Flood Risk' states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. Furthermore, policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 167 and 169 of the NPPF.

The proposed MSA buildings and its access road from Rotherway lies wholly within Flood Zone 1. However, a short section of the southern egress road to the Parkway is washed over by Flood Zone 2.

The Policies Map published as part of the Council's adopted Sites and Policies document, 2018 shows the full extent of this egress road falling within the Mixed Use Allocation MU14. Accordingly, the area in question is allocated for mixed use development, with the acceptable uses being identified as: A3 restaurant, A4 drinking establishment, sui generis car park, sui generis petrol filling station.

With regard to the Local Plan Sites and Policies Document, it is noted that Section 5 deals with the matter of flood risk and the Plan's allocations.

- Paragraph 5.3 identifies that: *“A number of evidence base studies support the Sites and Policies Document and will be used to guide the determination of future planning applications.” ‘Surface Water Flooding – assessment of all sites’* is included in the list.
- Paragraph 5.4 confirms that: *“Background Papers have also been prepared that identify an impact on Local Plan designations and these further investigations have also contributed key development guidelines to guide future development opportunities.”* A *‘Flood Risk Sequential Assessment’* is included in the list.
- Paragraph 5.15 identifies that: *“Sites have also been assessed by the Council’s Drainage Team in relation to the potential for surface water flooding. Utilising the Environment Agency’s Flood Map for Surface Water the risk of surface water flooding has been identified. Key development guidelines have been identified to ensure that flood risk issues are considered where relevant, and appropriate, mitigation secured to ensure that sites can be developed safely without increasing the risk of flooding elsewhere.”*

It is further noted that the Local Plan followed on from the RMBC Strategic Flood Risk Assessment (Level 1), which was published in June 2008.

Accordingly, it can be concluded that the MU14 mixed use allocation was made, and found sound, having full regard to all relevant matters related to flood risk, including a ‘Sequential Assessment’.

It is therefore considered that the MSA proposal, or more specifically a very short length of its egress road, does not raise any new ‘relevant aspects’ that trigger the Exception Test. Further, there is no known new information about potential flood risk that needs to be taken into account.

On this basis, it is demonstrably the case that the Sequential Test still does not apply.

Whilst full drainage details and calculations have not been submitted with this application, a large amount of drainage information was provided with the outline application and was considered by the Council’s Drainage Engineers at that time.

During the outline application, the Drainage Engineers stated that they had no objections in principle to the proposal as it has been demonstrated that there is minimal on-site flood risk and only a small area of the site falls outside zone 1. As such the scheme subject to conditions would comply with relevant paragraphs of the NPPF and Local Planning Policies CS25 and SP47 in respect of flood risk.

The Council's Drainage Engineers have confirmed that this is still the case and have asked that the development be carried out in accordance with the submitted Floor Risk Assessment and drainage plans submitted as part of an application to discharge conditions attached to the outline permission.

Yorkshire Water have raised no objections to the reserved matters application, subject to the drainage strategy falling in-line with their previous comments recommended in their response to the outline application i.e. surface water will discharge to public surface water sewer via storage with restricted discharge (of 5 litres/second) & Foul water domestic waste should discharge to the 225 mm diameter public combined sewer recorded in Whitehill Lane with sewage pumping to not exceed 4 (four) litres per second, we have no additional comments to make and will address the drainage details prior to the relevant discharge of conditions.

The conditions imposed on the outline remain valid and will need to be formally discharged prior to construction.

Landscape and Tree Matters

CS19 'Green Infrastructure' states: *"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."*

Policy CS21 'Landscape' states: *"New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."*

Policy SP32 'Green Infrastructure and Landscape' states: *"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..."*

The site consists of an area of low-lying land adjacent to the Brinsworth switching station (North of M1) and the land between the M1 & the A633 Parkway road corridors (South of M1).

The site is within the river Rother strategic Green infrastructure corridor. Whilst the site lies within the urban area, it is bounded on three sides by the Rother valley floor landscape character area and shares some of the key landscape characteristics of the character area. The boundaries to the North, East and South form part of the Green Belt.

The landscape details shown on the latest plans are considered to be acceptable and are supported by the Council's Landscape Design Team and Tree Service who have worked with the applicant to revise the landscape

details to ensure that the level of tree planting on the site and landscape details are sufficient to satisfy relevant policies and to help mitigate the impact of the scheme on the landscape.

The latest plans show extensive on site tree planting and other landscape features being incorporated on both parcels of the site (north and south) and the details shown on the latest plans are considered to be sufficient to mitigate the likely impact of the development on the landscape and ecological resources. The proposals support the creation and management of multi-functional green infrastructure assets and networks which are proportionate to the scale and impact of the development.

From a landscape perspective, the revised scheme has the support of the Council's Landscape Design Team and is generally supported by the Tree Service and it is considered that subject to conditions to ensure the proposed landscape scheme is implemented in accordance with the approved details, together with the conditions attached to the outline relating to the submission of an Arboricultural Method Statement and tree pit / soil details, the proposal would be in compliance with the Local Plan policies outline above.

Ecological implications

Paragraph 174 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

Policy CS20 'Biodiversity and Geodiversity' states: *"The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected, and measures will be taken to enhance these resources ..."*

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

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

The Council's Ecologist is broadly supportive of the scheme and the proposals from an ecological perspective. They have confirmed that the Biodiversity Enhancement Plan submitted with one of the discharge of condition applications is acceptable and as such the scheme should be developed in accordance with the details contained within that document. This includes recommendations for maintaining and improving the ecological value of the existing woodland and includes details on the type and number of

bat and bird boxes to be installed. A plan has been provided showing where the different bat and bird boxes will be erected.

They have indicated that they would like the level of tree planting on site be increased, as well as within the woodland and have advised that native species should be planted. However, the Council's Tree Service have confirmed that the amended plans in terms of tree planting on site and also within the woodland is acceptable and the Council's Landscape Design Team have confirmed that the landscape plans submitted as well as the species of planting are acceptable.

It is of note that the Sheffield and Rotherham Wildlife Trust have commented on the application, but the comments they raise are not related to the ecological impact of the development. They have indicated that they would like additional tree planting and raised concerns over drainage.

It should be noted that in terms of the proposed tree planting and landscaping additional information was requested by the Council's Tree Service and Landscape Design Team which they are both supportive of. Furthermore, the drainage of the site has been deemed to be acceptable by the Council's Drainage Service and Yorkshire Water. Therefore, whilst the comments of the Yorkshire Wildlife Trust and the Council's Ecologist are acknowledged it is notable that they have not raised any concerns regarding the impact of the development on wildlife and the ecology of the area.

It is also noted that some of the objectors have raised concerns over the impact on wildlife and ecology. These issues were also raised and were considered at the outline stage and it was judged that the development on the site would be acceptable from an ecological perspective.

Therefore having regard to the above it is considered that the proposed development subject to conditions and informatives regarding mitigation measures in the form of sensitive lighting, appropriate planting and carrying out works outside of nesting bird season, ensures that the proposal would be sympathetic to the ecology of the site and will not have an adverse impact on habitats and wildlife. As such the proposal has factored in some biodiversity gain and the scheme would comply with the requirements of the national and local planning policies and guidance.

Air Quality

Policy CS30 'Low Carbon & Renewable Energy Generation' states: "*Development must seek to reduce carbon dioxide emissions thorough the inclusion of mitigation measures...*" In addition, regard will be had to the guidance contained within Council's adopted SPD 'Air Quality and Emissions'.

NPPF states at paragraph 112 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The proposed development is classified as a Medium proposal as set out in the adopted Rotherham SPD 'Air Quality and Emissions'.

Box 3 of the SPD includes the following mitigation options:

- Provision of charging points for electric vehicle charging points
- Consideration of air quality in designing the layout of the development;
- Provision of secure cycle storage
- Provision of incentives for the use of public transport (Travel Plan).

The site is located within an Air Quality Management Area.

An Air Quality Assessment was submitted and assessed during the determination of the outline application. The Air Quality Officer confirmed that its methodology and findings were acceptable.

During the consideration of the outline application consideration was given to the impact of the proposal on air quality given the location of the site and the AQMA in which it sits. Concerns were raised, as they have been with the reserved matters application, in respect of air quality impact on neighbouring areas.

The Council's Air Quality Officer has again raised no objections to this application from an Air Quality impact perspective. This is mainly due to the fact that the cars / HGVs that will access the site will already be on the local and strategic road networks passing the site on their journeys they are not new vehicular movements being added to the road network. Furthermore, the emissions of vehicles are improving and overtime the number of electric cars, vans etc. on the road network will increase further, thus helping to reduce the air quality impact.

Since the outline application, the Council have adopted a Supplementary Planning Document on 'Air Quality and Emissions' and as set out above the document requires new development to have an element of Electric Vehicle (EV) charging points within parking areas.

The SPD states that in general 1 EV charging point per 10 shared parking spaces are required. In this instance that would equate to just over 30 EV charging points.

The applicant on the submitted plans has indicated that a cluster of 13 EV charging points are to be provide in front of the main amenity building. However, it is likely that 10 will be available immediately upon the site opening.

The applicant has been working closely with Northern Power who are the Distribution Network Operator (DNO) to ascertain what power is available locally, which they know is limited. This is a national issue and a major constraint to the roll out of EV chargers. National Grid and the Office for Zero

Emission Vehicles are working on strategies designed to unlock electrical capacity but this is some years away.

Therefore the initial 10 rapid charging points proposed will allow customers to recharge quickly and be able to continue their onward journey. They are currently proposing a lower number of EV charging points than the SPD because the amount of power currently available within the network is limited, so the initial 10 spaces are what can be accommodated within the network due to the amount of power they require.

It is of note that whilst the 10 rapid charging points are below the 10% regular EV charging points set out in the Council's SPD, the Government has committed to a rapid charging fund to enable the electricity network to be upgraded to help meet future demand for charge points where installation costs are prohibitively expensive and uncommercial. Working with the private sector: *"it aims to ensure at least 6 charge points at all MSAs in England by 2023."*

(<https://www.gov.uk/government/publications/electric-vehicle-charging-market-study-final-report>).

Therefore the 10 rapid charging points would be over and above the current Government proposals.

It is of note that fuelling and EV charging are essential parts of the applicant's operating model and they want to provide the best offer possible. As such, in addition to the immediate rapid EV charging points being implemented prior to the site first opening they also propose to identify an area for future EV expansion, installing cable ducts etc. whilst periodically reviewing EV demand along with available power infrastructure.

The applicant as one of the major MSA operators in the country want and will need in the future when demand allows and the number of Electric cars increase, lots of EV chargers as this is clearly the future of motoring in response to climate change, and without the operator providing more EV charging points in the future it will affect their business. However, currently the economics of the grid works mean that more rapid charging points is not feasible at the present time.

The Council's Air Quality Officer has indicated that in the short term it is important that the initial offer complies with the Government's stated aim of at least 6 rapid chargers at every MSA by 2023. Furthermore, as the uptake of Electric Vehicles increase in the coming years the infrastructure will improve and the applicant will provide more EV charging points.

It is therefore considered that subject to conditions that require the installation of 10 rapid EV charging points before the site is operational and a requirement for a constant review of the electrical supply to allow for more points in the future, the proposal would be acceptable from an air quality and emissions perspective. As such it would comply with the relevant national

and local planning policies and the Government's Climate Change Agenda, as well as their aim of providing rapid EV charging points at MSAs before 2023.

Land Contamination

The application site comprises two parcels of land identified as Site A (northern parcel) and Site B (southern parcel) on land situated to the west of Junction 33 of the M1.

Site A is split across three levels, which lie at approximately 34m AOD, 37m AOD and 42m AOD. The western third of Site A comprises of tipped ground. Below ground cables for the switching station run across the site and close to the site. Over head cables are also present above the site.

Site B comprises large piles and tips of very strong steel slag scattered throughout. The site slopes from north east to south west from 40m AOD to 32m AOD.

From a review of our historical maps, from 1855 the site comprised open field/agricultural land, with a sandstone quarry shown to be present between Site A and Site B (below the current line of the M1 Motorway). The site then remained unchanged until around 1957, when a mineral railway line is shown to pass through the centre of the site, associated with a nearby colliery and iron works at the time to the north west of the site. At this time spoil and slag heaps were also shown to be present on the south and east of the site, reported to have come from the nearby Templeborough Steelworks, fed by the railway sidings. The M1 motorway was shown to have been constructed by 1967, bisecting the site into Site A and Site B.

The application site is bounded to the north by the National Grid Switching Station, to the east by the M1 Junction 33, to the south by the Sheffield Parkway dual carriageway and to the west by a railway line beyond which is residential housing. The River Rother lies within 300m of the site boundary to the north, east and the south.

Two historical landfill sites are known to have formally occupied the site. Brinsworth Switching Station Landfill occupied land in the western sector of the site and Canklow Tip occupied land in the northern sector of the site. Both landfills are recorded as having accepted industrial kinds of waste.

Intrusive site investigations were undertaken between the 15th and 19th February 2021 and the 8th and 9th March 2021 to determine both the geotechnical and geo-environmental ground conditions across the site to assess if any significant soil and groundwater contamination associated with the past historical uses of the site could impact on the proposed residential development of the site.

The site investigation works comprised the drilling of 8 rotary boreholes down to 30mbgl to investigate for the presence of shallow coal seams and any historical workings beneath the site and the excavation of 60 trial pits to

determine the underlying shallow ground conditions. A total of 60 soil samples were collected comprising 2no. topsoil samples, 15 made ground samples and 29 natural ground samples to assess for site wide contamination. The soil samples were submitted to an accredited laboratory for chemical testing.

None of the topsoil, made ground and natural ground samples recorded any contaminants above the respective assessment criteria for a commercial end use. Chemical testing has confirmed that gross contamination is not present, but that some low level metals, PAHs, TPHs are present within the made ground. All of these materials are considered chemically suitable for reuse in the proposed development.

The only exception to this was a localised hydrocarbon hotspot area around trial pit 12 at the southern edge of Site B, where an old metal fuel tank was found to be buried in the made ground with strong fuel odours and staining down to 3m below ground level. Further site investigation should be undertaken in this area to identify the presence, depth and extent of potential contamination.

There is potential for ground gas to be present associated with extensive deposits of infilled ground within and close to the site. Additionally, there is a possible risk of ground gas migrating from deep coal mine workings due to a geological fault crossing the site. However, significant cut and fill earthworks are required across the site to achieve final development levels between Sites A and B. Following these works, gas monitoring will need to be undertaken to determine the ground gassing regime.

Elevated concentrations of heavy metals considered phytotoxic to plant life have been identified. It therefore considered that in areas of proposed soft landscaping, 150mm of clean suitable topsoil will be required to provide a suitable growing medium for plant life.

Elevated soluble sulphate concentrations have been recorded within the made ground across the site. Sulphate precautions comprising DS-2 and ACEC-2 are to be incorporated into any concrete in contact with the made ground. A design sulphate class of DS-1 and ACEC-1 is to be incorporated into any concrete coming into contact with natural ground.

Significant earthworks will be required to create a platform suitable for development. Site B is to be upfilled by several metres to achieve a final development platform, so all impacted soils will be buried below engineered fill used to raise site levels. It is reported that the majority of slag material will be removed from site and disposed of prior to development/ or if retained on site, capped between several metres of engineered fill and hardstanding areas of the development.

The site is not considered to be at risk from industrial shallow coal mining at shallow depth.

In conclusion it is considered there is very low risk to the future users of the site from potential site contamination and the site is considered suitable for its proposed commercial end use.

Some remediation works however may be required to ensure the site is suitable for its proposed commercial end use.

Other Considerations

With regard to the issues raised by both local residents and ward councillors it is of note that a lot of the issues raised are not material considerations to this application, as they were considered at the outline application stage and were considered to be acceptable. These include issues raised in respect of the principle of the development, impact on local residents, noise, light and air pollution, highway impact, ecological impact and flood risk and drainage.

The issues raised in respect of landscaping are noted and have been addressed in the report, whereby the Council's Landscape Design Service and Tree Service have raised no objections to the landscaping and planting scheme proposed. Furthermore, the issues raised in respect of the design and appearance of the buildings and the EV charging points has been addressed in the report.

With regard to Community Infrastructure Levy this particular application is not CIL liable as it does not fall within the chargeable developments set out within the Council's adopted CIL regulations.

The Local Ward Councillor also raised a point in respect of their being efforts to recruit locally for the jobs created. A condition has been implemented seeking the submission of a local employment strategy, to ensure that jobs are offered to local people.

A few of the objections received indicated that this application was "turned down" in 2017, it is of note that this is not the case. As previously indicated the outline application for this site was approved in 2019 and before that there are extant planning permissions on this site for hotels, public house and petrol filling station from the 1990s.

In addition an objection was raised in respect of impact on house prices, it is of note that the impact a development may or may not have on house prices is not a material planning consideration and cannot be used as a reason to justify a refusal.

Conclusion

Having regard to all the above, it is considered that issues in respect of principle of development, the need for an MSA in this location, the highway impact, the impact on the environment, ecology and local residents by way of noise, light and air pollution were all considered during the outline application and deemed to be acceptable subject to conditions.

The consideration of this application is not to reopen any of the above arguments relating to the principle of the development and highway impact, these have been deemed acceptable under the outline and this application cannot lawfully be refused on those grounds. The only matters for consideration are the appearance and scale of the building and the layout and landscaping of the site.

It is considered that in respect of those material matters the proposal is acceptable and would comply with the requirements of the local and national planning policies. Therefore, the reserved matters application is recommended for approval subject to conditions.

Conditions

General

01

The development hereby approved must be begun no later than 22nd November 2024 (5 years from the outline approval).

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to comply with the conditions of the outline application RB2017/1347.

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 and as shown on the approved plans (as set out below) and in accordance with all approved documents.

16312_A-PL-001 – Location Plan

865-PL200 PL03 – Proposed Site Plan Combined

865/PL201 PL03 – Proposed Site Plan North

865/PL202 PL03 – Proposed Site Plan South

865-PL500 PL01 – Proposed Site Sections (Sheet 01)

865-PL501 PL02 – Proposed Site Sections (Sheet 02)

865/PL301 PL02 – Amenity Building Elevations (West)

865/PL302 PL02 – Amenity Building Elevations (East and South)

865/PL303 PL02 – Amenity Building Elevations (North)

865/PL210 PL02 – Amenity Building Proposed Ground Floor Plan

865/PL211 PL02 – Amenity Building Proposed Mezzanine Floor Plan

865/PL305 PL04 – Petrol Filling Station Plans and Elevations

865/PL230 PL03 – Petrol Filling Station Plans

865/PL212 PL02 – Amenity Building Proposed Roof Plan

865/PL505 PL02 – Amenity Building Proposed Sections

865/PL221 PL02 – HGV Amenity Building Plans
865/PL235 PL01 – HGV Petrol Filling Station Plans
865/PL315 PL02 – HGV Petrol Filling Station Elevations
865/PL310 PL01 – HGV Amenity Proposed Elevations

865-PL240 PL02 – Pumping Station Plans and Elevations
865-PL241 PL02 – Electrical Substation Plans and Elevations

Reason

To define the permission and for the avoidance of doubt.

Materials

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing nos.:

865/PL301 PL02
865/PL302 PL02
865/PL303 PL02
865/PL305 PL04
865/PL310 PL01
865/PL315 PL02

The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing.

Reason

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

Highways

04

Before the development is brought into use the car parking area shown on the approved layout plan (drawing no. 865-PL200 PL03) shall be provided, marked out and thereafter maintained for car parking, unless otherwise agreed in writing.

Reason

To ensure the provision of satisfactory parking spaces and in the interests of road safety.

Drainage

05

The development shall be carried out in accordance with the oil, petrol and grit interceptor / separator details contained within drawing numbers, 41158/028 (rev C) and 41158/029 (rev C), both dated 17/05/21 as prepared by Eastwood & Partners, which have been submitted and agreed with Yorkshire Water under RB2021/1735.

Reason

To prevent pollution of the aquatic environment and protect the public sewer network.

06

The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment (prepared by Weetwood - Report 3735/FRA/Final/v1.1/2017-07-26), unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage.

07

The drainage system shown on drawings 41158/025 (rev E), 41158/028 (rev C), and 41158/029 (rev C) submitted and approved under RB2021/1735 shall be implemented before the site is brought into use and shall be thereafter be maintained.

Reason

In the interest of satisfactory and sustainable drainage.

Landscapes

08

Landscaping of the site as shown within the submitted Landscape Maintenance Plan and on the approved plans (drawing nos. A4859-06H Landscape Scheme – South, A4859-05G Landscape Scheme – North), shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

Ecology

09

The development shall be carried out in accordance with the management prescriptions set out within the Biodiversity Enhancement Plan (BEP) (Version 1.0 Ref: 21-004 (22/01/2021)) which was submitted and approved under RB2021/1491. The approved details shall be implemented in accordance with the timescales specified by the programme of works contained within the BEP, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To increase the structural diversity of the woodland, provide opportunities for understory development and increase value to invertebrates, birds and other fauna.

Network Rail

10

All surface and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems in accordance with drawing numbers 41158/025 (rev E), 41158/028 (rev C) and 41158/029 (rev C), as prepared by Eastwood & Partners, which have been submitted and agreed with Network Rail under RB2021/1735.

Reason

To ensure that the development can be properly drained.

11

Prior to the site being brought into use the Armco barrier detailed on drawings A4859-05G Landscaping Scheme North and A4859-06H Landscaping Scheme South submitted and agreed with Network Rail under RB2021/1491 shall be implemented and thereafter be maintained.

Reason

In the interests of road / railway safety.

Land Contamination

12

The development shall be carried out in accordance with the Phase II Intrusive Site Investigation Report and Risk Assessment ('Phase 2 Geotechnical and Geo-Environmental Site Investigation' report ref: 41158-004, prepared by Eastwood & Partners, dated 17 May 2021) submitted and approved under RB2021/1491, unless otherwise agreed in writing with 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.

13

Cut and fill earthworks are required at the site so that a development platform can be achieved. These earth works shall be carried out under a Materials Management Plan, written and declared in accordance with the CL:AIRE Definition of Waste Code of Practice approved by the Environment Agency, unless otherwise agreed in writing with the Local Planning Authority. This document shall be forwarded to the Local Authority for review and comment prior to development commencing.

Reason

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

14

In accordance with the Phase 2 Geotechnical and Geo-Environmental Site Investigation' report (ref: 41158-004), prepared by Eastwood & Partners, dated 17 May 2021, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

15

In accordance with the Phase 2 Geotechnical and Geo-Environmental Site Investigation' report (ref: 41158-004), prepared by Eastwood & Partners, dated 17 May 2021, following the completion of the earthworks, a Detailed

Design Report for Gas Mitigation Measures will be provided for review and comment and shall provide details of the identified gas protection measures required, complete with drawings to show how the gas protection measures will fit into the overall building designs.

Reason

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

16

Post construction, a Gas Verification Report is to be provided for each building to confirm that the measures constructed/installed meet the required standards. Inspection reports for each plot will be forwarded to the Local Authority for review and comment.

Reason

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

17

Elevated soluble sulphate concentrations have been recorded within the made ground across the site. Sulphate precautions comprising DS-2 and ACEC-2 are to be incorporated into any concrete in contact with the made ground. A design sulphate class of DS-1 and ACEC-1 is to be incorporated into any concrete coming into contact with natural ground. Confirmation of the use of the design sulphate classes will need to be reported on within a Verification Report.

Reason

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

18

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

Reason

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

19

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

Reason

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

20

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

Trees

21

No operations (including initial site clearance) shall commence on site in connection with the development hereby approved until the recommendations (i.e. protective fencing) as set out in the Arboricultural Method Statement, prepared by Encon Associates (ref: A4859), dated March 2021, which has been submitted and approved under RB2021/1491 have been installed in accordance with the approved details and have been checked by the Local

Authority, or a report from the Lead Arboricultural Consultant has been submitted.

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

Reason

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

Local Employment Strategy

22

Prior to the site being first brought into use, a scheme shall be submitted to the Council for approval in writing, indicating strategies to encourage and/or enable local people to access job opportunities arising from the development site. Within 12 months of the use being commenced a statement shall be provided to and approved in writing by the Local Planning Authority demonstrating how occupants have complied with the approved scheme.

Reason

In the interests of economic regeneration of settlements associated with the development site.

Air Quality and Electric Vehicle Charging Points

23

Prior to the site being first brought into use, up to 10 EV charging points indicated on drawing number 865/PL202 PL03 shall be installed. These charging points shall be rapid charging points, unless otherwise agreed in writing with the Local Planning Authority. Additionally, within 10 years of the development being occupied, a scheme shall be submitted and agreed in writing with the Local Planning Authority for the provision of EV charging points equivalent of up to 10% of parking spaces. The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. The EV charging points shall thereafter be retained and maintained.

Reason

In the interests of air quality and to provide users of the site with rapid EV charging.

Informatives

01

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.

02

Due to the high proportion of habitats likely to be used by breeding birds within the Site for example areas of bramble under-scrub and tall herbs avoidance of site clearance during the bird breeding season (April to August) will be necessary to maintain compliance with bird protection legislation. For many areas of the site it will not be sufficient to specify a preclearance checking survey, since there is a high risk that nests would be found.

03

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.

04

Water supplies for firefighting purposes should be in accordance with Building Regulations Approved Document B volume 2 part B5 section 15.

05

The Environment Agency recommends you should

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

4. Refer to the contaminated land pages on GOV.UK for more information.

06

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

07

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

08

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does NOT include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus

- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail (plantprotection@cadentgas.com) or via the contact details at the top of this response.

09

Given the position of the site and in particular the proposed access road along the railway boundary and under the motorway bridge, it is imperative that the development liaise with Network Rail's Asset Protection Team (assetprotectionneem@networkrail.co.uk) prior to work commencing on site. It is essential that the proposed scheme is discussed and agreements reached to ensure that work can be carried out safely and without impact to the safety of the operational railway infrastructure.

10

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossing, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges culverts, retaining walls and other structures supporting railway live loading.

11

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution. No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets / systems without Network Rail's written permission. The development should ascertain with

Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

12

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

13

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

14

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

15

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT Email: assetprotectionneem@networkrail.co.uk for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

16

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT Email: assetprotectionneem@networkrail.co.uk. The OPE will require to see any method statements/drawings relating to any excavation, drainage,

demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

17

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

18

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

19

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

20

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

21

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

22

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

23

The parking facility would benefit from being designed to "The Safer Parking Scheme" standard. www.saferparking.com

24

Doors and windows should be to Secured by Design standards. www.securedbydesign.com

25

The Environment Agency recommend the use of flood resistance and resilience measures where possible. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

26

Part of the site falls in a flood alert area we would recommend that the applicant/future occupants should phone Floodline on 0345 988 1188 to register for a flood alerts, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood alerts / warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>

27

With regard to the formulation / implementation of a local employment strategy, advice can be sought from the Academy of Construction Trades on 01709 709525

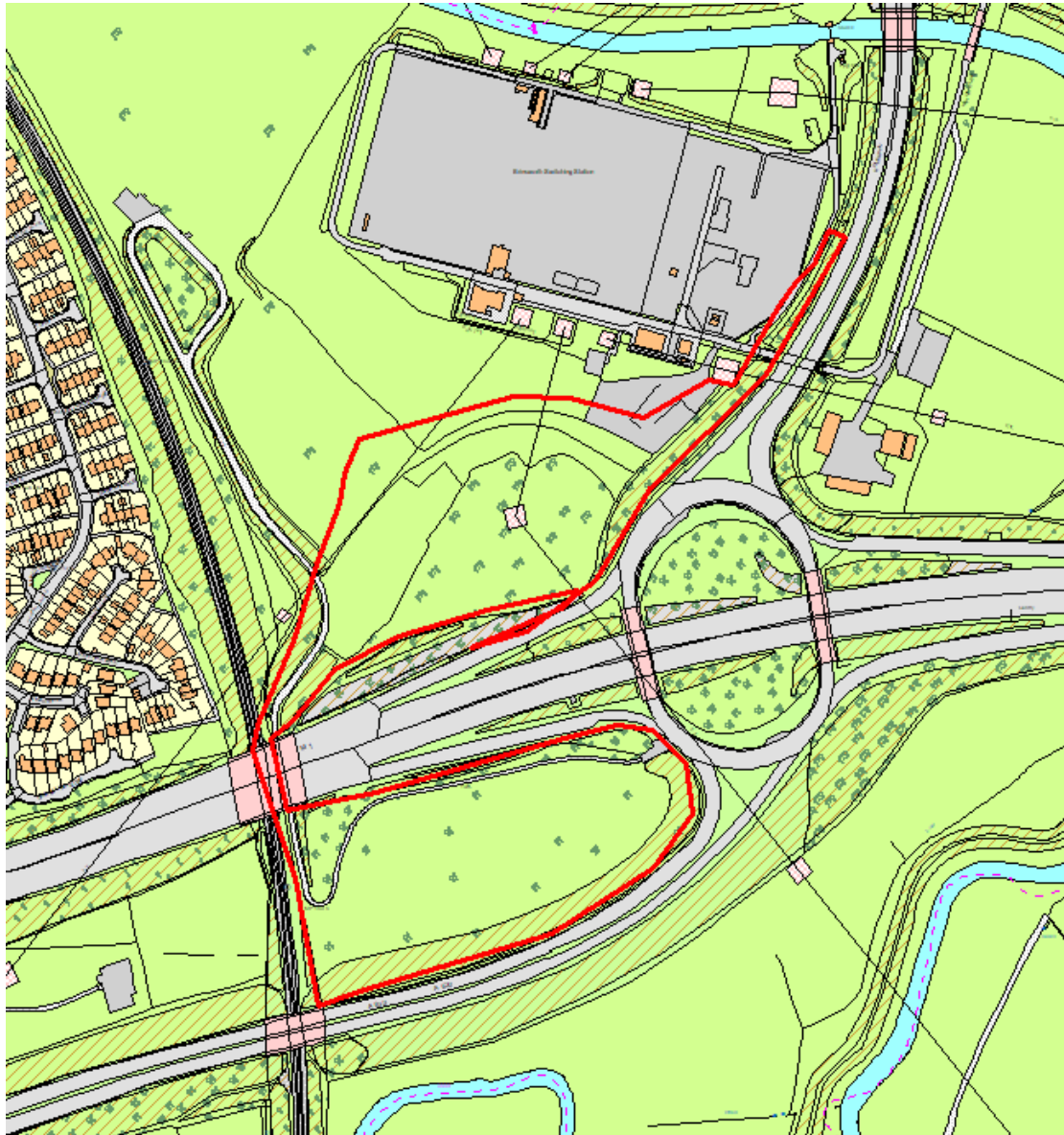
POSITIVE AND PROACTIVE STATEMENT

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	RB2021/1385 https://rotherham.planportal.co.uk/?id=RB2021/1385
Proposal and Location	Erection of a Drive-thru unit (use class E) at land at Junction 33, M1 Motorway, off Rotherway, Brinsworth
Recommendation	Grant subject to conditions

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

Site Description & Location



The application site forms a small part of the wider Motorway Service Area (MSA) site that was granted outline planning permission under RB2017/1347.

The wider MSA site comprises of land situated to the north and south of the M1 motorway, immediately west of Junction 33.

The part of the site relating to this application is within the southern part of the wider MSA site towards its eastern boundary.

The site is currently covered by a mixture of scrub vegetation and some areas of hardstanding.

The wider southern section of the MSA site is of a broadly oval shape running east-west alongside the southern side of the M1.

The nearest residential properties to the site are located approximately 40m to the west of the site within Brinsworth. Other residential areas in close proximity to the site include Catcliffe (circa 360m to the west), Treeton (approximately 670m to the south) and Whiston (circa 630m to the north-east).

There are no public rights of way through the application site, but there are a series of public rights of way through the Rother Valley to the east and south of the site.

Background

There has been a number of applications submitted relating to this site, the most relevant of which are detailed below:

RB1988/0456 – Outline application for hotel (approx. 200 bedrooms) conference & leisure facilities – Granted conditionally – 08/08/1991

RB1992/0295 – Outline application for a five storey 200 bed hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road with travel lodge, diner / restaurant, petrol filling station – Granted conditionally – 25/05/1994

RB1997/0572 – Outline application for a five storey 200 bedroom hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road, with travel lodge, diner / restaurant, petrol filling station, associated access parking and landscaping, and with access to adjacent switching station – Granted conditionally – 29/01/1998

RB2001/0015 – Application under Section 73 of the Town and Country Planning Act 1990, to vary standard condition (A) (period for submission of application for approval of reserved matters) of outline planning permission R97/0572, for a five storey 200 bedroom hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road, with travel lodge, diner / restaurant, petrol filling station, associated access parking and landscaping, and with access to adjacent switching station – Granted conditionally – 15/03/2001

RB2003/2200 – Details of the erection of a 5 storey hotel, a 3 storey hotel, petrol filling station and restaurant (matters reserved by R97/572P) – Granted conditionally – 28/10/2004

RB2005/0949 – Application under Section 73 of the Town & Country Planning Act 1990 to vary standard conditions (a) and condition 1 imposed by RB2001/0015 (Outline application for the erection of a five storey hotel, travel lodge, diner and petrol filling station) to allow later submission of reserved matters – Granted conditionally – 16/12/2005

RB2006/0153 – Details of the erection of a five storey hotel, a four storey hotel, a public house/restaurant and associated access, car parking and landscaping works (reserved by outline RB2005/949) – Granted conditionally – 11 May 2006

RB2006/0241 – Remodelling of land and landscaping works and formation of vehicular access – Granted conditionally – 11/05/2006

RB2007/1494 – Application for variation of condition 6 (landscaping scheme to be submitted prior to commencement of development) imposed by RB2006/0241 to allow construction of access road prior to submission of landscape scheme – Granted conditionally – 27/09/2007

RB2007/1519 – Application for variation to Condition 1 (samples of material to be submitted prior to development) and Condition 2 (landscaping details to be submitted prior to development) imposed by RB2006/0153 to allow construction of access road prior to submission of material samples and landscaping scheme – Granted conditionally – 27/09/2007

RB2008/0741 – Details of the construction of access road (reserved by outline RB2005/0949) (Amendment to road layout approved under RB2006/0153) – Granted conditionally – 11/12/2008

RB2009/0757 – Application for variation to condition 7 (development of access road only in accordance with approved plans) imposed by RB2007/1494 to allow development in accordance with drawing 26783/041 Rev C approved under RB2008/0741REM – Granted conditionally – 24/09/2009

RB2013/0582 – Non-material amendment to application RB2005/0949 to remove condition 11 – Granted – 21/05/2013

Groundworks were carried out in relation to the construction of the access road and these works constituted the implementation of (i) planning permission (ref: RB2005/0949/VC) (ii) reserved matters consent (ref: RB2006/1519/VC) and (iii) full planning permission (ref: 2007/1494/VC). This was confirmed in a letter by the Council to Indigo Planning dated 12 March 2009. No works commenced in relation to the access to the site from the roundabout at Junction 33.

Accordingly, the aforementioned applications have commenced and are thus extant and can be fully implemented at any time in the future regardless of the outcome of this application.

RB2017/1347 – Outline application for the formation of a proposed motorway service area with details of access (comprising main service station building, car fuel filling station, HGV amenity building, HGV fuel filling station, formation of car, coach and caravan parking areas and associated works) – Granted Conditionally – 22 November 2019.

RB2021/1491 – Discharge of conditions 02, 13, 16, 19, 26, 27, 33, 34 & 35 imposed by planning application RB2017/1347 – Undermined

RB2021/1372 – Reserved matters application (details of appearance, landscaping, layout and scale) for the formation of a proposed motorway service area with details of access (comprising main service station building, car fuel filling station, HGV amenity building, HGV fuel filling station, formation of car, coach and caravan parking areas and associated works) (reserved by RB2017/1347) – recommended to be approved subject to conditions.

It is considered appropriate to reiterate that the land has an extant consent for the development of a five-storey hotel, a separate four storey hotel, a public house/restaurant, and a petrol filling station. In addition, car parking would be provided for the extant development and plans of the scheme indicate in excess of 300 car parking spaces; and that this scheme could be built out at any point in the future.

It is also of note that the site has outline permission for an MSA which has established the principle of a MSA on this wider site, and approved the access / egress.

Proposal

The development would provide a new Starbucks Drive Thru (use class E) (177m² GIA) with, internal coffee shop and associated car parking, accessed from Rotherway and exited onto the Parkway via the access / egress approved under RB2017/1347. Once inside the site it would be accessed via a roundabout to the west of the MSA Main Amenity building and associated car parking. The building is located to the south of the proposed Petrol Filling Station (PFS).

This building was not part of the outline permission and as such has been brought forward as a standalone application.

The building would be of a modern design and appearance, similar to other units used by Starbucks around the country. The main part of the building would be 10.4m wide, with the drive thru hatch projecting a further 2.6m; and would be 21.7m long. The main building would be 3.8m high. A box 6m x 3m with a height of 3m will be added to part of the roof for signage purposes.

The elevations include a mixture of full height curtain wall glazing, cladding finished in sandstone and vertical timber slats.

It will be used as a drive thru coffee shop by Starbucks and would employ 10 staff and is proposed to be open 24hrs a day.

The unit has 36 associated parking spaces consisting of 31 standard customer bays, 5 accessible bays and a drive-thru lane which incorporates a further three reserve parking spaces along the drive-thru lane for customers waiting for an order.

The following document has been submitted in support of this application:

Transportation Technical Note

The report has been prepared to assess the transport implications of providing a drive-thru coffee shop at the site, and to review and outline the access, car parking and delivery arrangements.

The shows that the forecast demand for similar facilities elsewhere has been considered to provide an indication of the likely arrival and departure rates and attraction of the proposed unit. Trips to the site will be primarily linked with visits to the MSA, therefore the proposals will not result in any noticeable increase in traffic on the service road and other principal routes including the M1 strategic road network.

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 mixed use in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

- CS12 'Managing Change in Rotherham's Retail and Service Centres'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS27 'Community Health and Safety'
- CS28 'Sustainable Design'
- CS31 'Mixed Use Areas'
- SP23 'Out-of-Centre Retail Parks and Other Out-of-Centre Developments'
- SP30 'Motorway Service Areas'
- SP52 'Pollution Control'
- SP55 'Design Principles'
- SP65 'Development within Mixed Use Areas'

Other Material Considerations

The revised NPPF came into effect in February 2019. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

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

National Planning Practice Guidance (NPPG)

Rotherham adopted Supplementary Planning Documents:

- Air Quality and Emissions

Publicity

The application has been advertised by way of press notice along with individual neighbour notification letters to the local residents and action groups who commented on the outline application. An e-mail has been sent directly to the two local ward councillors. No site notice has been posted because there is no public footpath or access near the site where one would be seen / read.

6 letters of representation have been received from local residents. The issues raised by local residents are summarised as:

- Traffic impact
- Air pollution
- Noise concerns
- Do not need the service station
- Why is another drive thru coffee shop needed?

Consultations

RMBC – Transportation Infrastructure Service: No objections.

RMBC – Drainage: No objections.

RMBC – Environmental Health: No objections.

RMBC – Air Quality: No objections.

Highways England: No objections subject to conditions.

SY Police ALO: No objections.

Appraisal

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

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

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

The main issues in respect of the application are considered to be:

- Principle
- Design and Appearance
- Highways
- General Amenity

Principle

The site is located within an area allocated for mixed use purposes (ref: MU14) within the Council's adopted Sites and Policies Document (June 2018). Policy SP65 'Development in Mixed Use Areas' sets out that in mixed use areas, new development will be permitted where it complies with the acceptable uses set out in Table 18 and meets the requirements of other planning policy as appropriate. Table 18 sets out that Class A3, A4 and Sui Generis uses are acceptable uses in this mixed use area.

Whilst the use class order has been amended since the adoption of the document, the drive thru would fall within Class E which has amalgamated the 'A' use classes.

On this basis the proposed drive-thru accords with the policy / allocation and is considered acceptable in principle.

In addition, as previously stated the site benefits from outline planning permission for an MSA. The proposed drive-thru would be ancillary and complementary to the wider MSA.

The proposed drive thru would not be able to locate within Rotherham Town Centre and would not be able to meet the needs of its intended customers – users of the M1 – were it in a central location. It is also unlikely that the proposed drive-thru would have an impact on Rotherham Town Centre. Therefore, for the drive-thru element of the wider proposal it is not considered necessary to require a sequential and impact test.

The proposal is acceptable in principle, however the proposal Starbucks Drive-Thru must avoid becoming a destination in its own right, in accordance with SP30 'Motorway Service Areas' and to maintain the viability of existing centres.

It is considered appropriate to impose a condition restricting the use of the unit to a drive thru coffee shop and for no other use in use class E, which now includes, shops, restaurants, banks, indoor sport, recreation or fitness, medical and health centres, creches and day nurseries and offices.

Design and Appearance

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

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

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

The design of the building is similar to other drive thru units and would be of a modest size and modern design with appropriate detailing and materials. It is considered that

the style, layout and design of the proposed development would compliment the proposed buildings on the wider MSA site. Accordingly, the proposal from a design perspective would satisfy the requirements set out within the local and national planning policies and guidance set out above.

Highways

Paragraph 111 of the NPPF 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."*

The proposed drive thru would be accessed via the access routes approved by RB2017/1347 and the Council's Transportation Infrastructure Service have confirmed that they agree with the outcomes of the Technical Note submitted in support which concluded that the majority of trips to the proposed drive thru will be linked to existing trips to the Motor Service Area and therefore the

proposal will not result in any noticeable increase in traffic on the service road and other principal routes including the M1 Motorway.

This being the case, there are no objections to the granting of planning permission in a highway context subject to a condition being imposed restricting the implementation of the development until the access / egress arrangements conditioned as part of Outline Planning Permission RB2017/1347P have been approved and the scheme implemented.

Further to the above Highways England have also acknowledged that there needs to be a condition placed on the application to ensure that the MSA access from the M1 Junction 33 has been completed before the Drive-Thru building could be implemented.

Therefore, with regard to the above it is considered that subject to conditions the proposed drive thru will not have a severe impact on the immediate local and national highway networks and as such there are no highway reasons to refuse this scheme.

Further to the above it is of note that a condition shall also be imposed to ensure that a minimum of 10% (4 in total) of car parking spaces afforded to the drive thru are provided with EV charging points, in line with the Council's adopted SPD 'Air Quality and Emissions'.

General Amenity

Paragraph 130(f) of the NPPF states 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.

Local Plan policy CS27 'Community Health and Safety' states: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..."* Policy SP52 'Pollution Control' states: *"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."*

With regard to the building itself it would have impact on neighbouring residents given the distance to residential properties. In terms of noise from the premises then this is unlikely to impact on local residents due to the distance to neighbouring properties and the structures and buildings between the site and the closest residential properties in Canklow, Brinsworth and Catcliffe. Notwithstanding a condition shall be imposed so that should any external plant or machinery be required for this unit, details are submitted along with a noise report for further consideration.

The concerns of air quality are noted; however the Council's Air Quality Officer has stated that this proposal is located in a MSA which is adjacent to the M1 and the Parkway (A630). As such any idling vehicles will have a negligible impact on air quality and an assessment is not required.

It is therefore considered that the proposed drive thru unit would not cause any adverse impact on the amenity of neighbouring residents given the distance from the site the nearest residential properties are, together with the structures, landscaping and buildings between them. Therefore, the proposal would comply with the policies referred to above and would raise no amenity concerns.

Other Considerations

With regard to the comments raised by local residents, whilst noted the issues raised would not justify the refusal of this application on planning grounds. In respect of the issues raised in regard to traffic impact, air pollution and noise concerns these have been considered in the report and all relevant consultees, including the Council's Transportation Infrastructure Service, Environmental Health and Air Quality officers, including Highways England have raised no concerns regarding the introduction of a drive thru unit on this site.

In respect of the comment that the service station is not needed this is not relevant to this application, but the outline permission RB2017/1347 assessed this matter and it was determined that the location of a MSA at this site was in accordance with Government Guidance set out in the Department for Transport Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'.

The issue regarding other drive thru units in this locality is noted but competition or the number of units in a certain area is not a material planning consideration, and as such an application cannot be refused on competition grounds.

Conclusion

Having regard to the above, it is considered that although the comments from residents are noted they would not justify a refusal of planning permission in this instance. This is due to the fact that the scheme would be in accordance with the mixed uses permitted in this mixed use area, would complement the MSA and would raise no highway or amenity concerns, and would not have a negative effect on air quality. The application would therefore be in compliance with relevant national and local planning policies and guidance and is recommended for approval 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

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) and in accordance with all approved documents.

865-01-PL100 PL01 – Location Plan

869/PL202 PL02 – Site Plan

865-01-PL102 PL01 – Site Layout

865-01/PL201 PL01 – Floor Plans

865-01/PL301 PL01 - Elevations

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no 865-01/PL301 PL01. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing.

Reason

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

04

The premises shall be used for a drive thru coffee shop only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order.

Reason

To allow a full assessment of any future use due to the wider variety of uses permitted under Class E, some of which may not be suitable or require further assessment in respect of highways, amenity and principle in this location.

05

The development hereby approved shall not be brought into use until the proposed accesses and highway improvements, including the operation of traffic signals at the exit to A630 Parkway (identified on plan reference JNY

9063-31 Revision E approved under RB2017/1347) have been implemented in accordance with the approved details (unless alternative arrangements to secure the specified access are agreed with the Local Planning Authority) which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of ensuring the safe and efficient operation of the Strategic Road Network and general highway safety.

06

Prior to the building being brought into use details of the provision of electric vehicle charging point infrastructure (cabling routes) to serve the car parking spaces surrounding the building and up to 10% of parking spaces to have charging points (subject to grid capacity) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details on the number, specification, location and maintenance schedule for electric vehicle recharge infrastructure. The approved details shall be implemented prior to the building being brought into use and shall thereafter be retained and maintained.

Reason

In the interests of sustainable development and air quality.

07

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

Reason

In the interests of the amenities of the occupiers of nearby dwellings.

08

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

Reason

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

09

Prior to their installation, details of the fixed noise generating plant including type, location and noise level shall be submitted to and approved by the local planning authority. An additional noise impact assessment should be provided to assess the cumulative effect of all fixed noise generating plant in

operation at the nearest sensitive property boundaries. Noise associated from fixed plant relating to the development on site should be designed such that the cumulative effect of all fixed plant in operation does not exceed 10dB below the representative background sound level (measured in terms of LA90) based on an LAeq (15 minute) assessment period at the nearest sensitive property boundaries.

The approved plant and machinery shall be tested prior to them becoming operational and shall be maintained throughout the life of the development.

Reason

In the interests of the amenity of the locality.

10

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

Reason

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

11

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

Reason

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

Informatives

01

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.

02

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

03

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

04

South Yorkshire Police recommend that the development is designed and built to Secured by Design standards. www.securedbydesign.com

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.