

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 6TH OCTOBER 2016**

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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Application Number	RB2016/0676
Proposal and Location	Erection of building for use Class B1(b) (research & development), Class B1(c) (industrial process), Class B2 (general industrial) and Class B8 (storage or distribution) with associated service yard and car parking area land at Nobel Way Dinnington
Recommendation	Grant subject to conditions

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



Site Description and Location

The application site is within an established industrial area on the site of the former Dinnington Colliery and is accessed off Nobel Way, Dinnington. The site area extends to 1.12 hectares. There are existing commercial buildings to the north, east and west of the site and Eels Mire Dike forms the southern boundary of the site. The site is not visually prominent within the public realm and is largely screened by existing buildings.

Background

There is extensive planning history on this site relating to its former use as a colliery and to the site's redevelopment as an industrial estate. Outline permission on a larger area of land, including the current application site, was granted in 2004 for a mixed use development to include A2 (Financial and professional), A3 (Food and Drink), B1 (Business), B2 (general industrial), B8 (Storage and distribution), C1 (Hotel), D1 (Non - residential institution). The below full application relates to part of the application site –

RB2014/1327-Erection of building with associated yard and formation of means of access, granted conditionally on 23/09/14.

Proposal

The application seeks full planning permission for the erection of a building to be used for B1 (Light Industry) (b) research and development, (c) industrial process, B2 (General Industry) and B8 (Storage and Distribution) uses and associated service yard and car parking. The building is being constructed to be used for light industrial use by a single tenant, however it has been designed to allow future subdivision internally into up to six terraced units, potentially within the B2 and B8 use classes. A new electricity substation is also proposed close to the building.

The building is proposed to be approximately 110.7m long, 34.8m wide, 8.8m to the eave and 10.3m to the ridge.

The walls of the building are proposed to be constructed from Blue/Grey profile metal cladding with silver composite panels, and the roof is proposed to be grey profile metal cladding.

The scheme provides for 43 car parking spaces, and cycle parking. The proposal is to operate Monday – Saturday 06:00-17:00, and Saturdays 06:00-11:00.

The application was supported by the following information:

Flood Risk Assessment – The nearest watercourse is Eels Mire Dyke, however the site is elevated some 1.5m and therefore the risk of flooding from this source is considered to be low.

Site Investigation Report – The investigation and chemical testing has shown that the more contaminated material has been placed at depth with cleaner material near the surface.

Transportation Statement – This summarises that the site is not within an Air Quality Management Area. It states that the site is adequately served by local bus services, and that the existing highway network has sufficient capacity to serve the development.

Ecology Survey – This concludes that the main habitat area within the site is of moderate to low ecological value. A bat transect survey was carried out and no evidence of foraging or commuting bats was identified. No protected species were recorded on site. It identifies Eels Mire Dike as a more valuable habitat and should be safeguarded during the construction process.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Mixed Use purposes in the UDP. In addition, the Rotherham Local Plan Publication Sites and Policies document allocates the site as a new employment site for Industrial and Business Use on the Policies Map.

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

Core Strategy policy(s):

CS9 'Transforming Rotherham's Economy'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscape'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

EC5 'Mixed Use Areas'
EC5.1 'Land identified for Mixed Use development'
ENV2 'Conserving the Environment'
ENV3.7 'Control of Pollution'
ENV4.4 'Contaminated Land'

The Rotherham Local Plan Publication Sites and Policies - September 2015:

SP16 'Land Identified for Industrial and Business Uses'

Other Material Considerations

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

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

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

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The application has been advertised by way of a press and site notices along with individual notification letters to adjacent businesses. No letters of representation have been received.

Consultations

Streetpride (Transportation & Highways): Raise no objections to the proposal.

Neighbourhoods (Environmental Health): No objections to the proposal, however they consider that there is potential for disamenity from construction and so recommend informatives are attached to any permission.

Streetpride (Ecology): Updated ecology information was requested and submitted. However on assessing the updated information it was noted that the site had been stripped of all vegetation and infilled. After discussions/negotiations the applicant has submitted amended ecology information, a mitigation strategy and an amended landscape masterplan. This is considered to go some way to mitigate any loss that may have occurred and protect Eel Mires Dike and promote biodiversity within the scheme.

Streetpride (Landscapes): No objections subject to suggested condition requiring the submitted landscape scheme to be implemented on site.

Neighbourhoods (Environmental Health, Contaminated Land): No objections subject to suggested conditions to ensure that risks from land contamination are minimised in the development.

Streetpride Drainage: No objections subject to recommended conditions

Appraisal

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

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

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

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

- The principle of the development.
- The appearance of the proposals.
- Impact on neighbouring properties.
- Transportation issues.

- Landscape and ecology
- Contaminated land
- Drainage

Principle of development

With regards to the principle of the development the Council's Core Strategy Policy CS9 'Transforming Rotherham's Economy' states (amongst other things) the following:

"Rotherham's economic performance and transformation will be supported by:

1. Allocating sufficient land in the Sites and Policies document to meet Rotherham's employment land requirement of 230 hectares of land for business and industrial development and 5 hectares of land for office floorspace for the Plan period in accordance with the Spatial Strategy set out in Policy CS1 Delivering Rotherham's Spatial Strategy. These allocations will support employment growth in sustainable locations and meet modern economic requirements.
2. Protecting viable employment sites and supporting the regeneration and intensification of previously developed land, including proposals which safeguard the viability of established industrial and business areas through improvements to buildings, infrastructure and the environment.
3. Safeguarding our manufacturing base and targeting the following priority sectors:
 - a. Creative and Digital Industries
 - b. Advanced Manufacturing and Materials
 - c. Environmental and Energy Technologies
 - d. Construction Industries
 - e. Business, Professional and Financial Services; and
 - f. Low Carbon Industries"

Policy CS33 'Presumption in Favour of Sustainable Development' states that "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

The NPPF at Paragraph 18 states: "The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future." Paragraph 19 adds: "The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

The application site is located within an established industrial and business area that is allocated for Mixed Use purposes (MU36) in the adopted UDP. UDP Policy EC5 'Mixed Use Areas' states that a variety of uses will be acceptable and paragraph 7.10.21 of the UDP notes that B1, B2 and B8 uses, amongst others, will be acceptable in principle. In addition, the site is identified as a new employment site for Industrial and Business Use within the Sites and Policies Publication. Sites and Policies SP16 states that within areas allocated for Industrial and Business

Use on the Proposals Map, development proposals falling within use Classes B1b and B1c, B2 and B8 will be permitted.

It is considered that the proposal would allow for the economic development of the Borough and secure more jobs locally which is to be welcomed and is fully supported by the aforementioned policies. As such, it is considered that the principle of the development is fully in accordance with Core Strategy Policies EC5 'Mixed Use Areas' and EC5.1 'Land identified for Mixed Use development' of the UDP as well as CS9 Transforming Rotherham's Economy and CS33 Presumption in Favour of Sustainable Development of the Core Strategy and Policy SP16 Land Identified for Industrial and Business Uses and the guidance set out in the NPPF.

The appearance of the proposals

In assessing the design of the proposed building in relation to the existing property and the surrounding area, Core Strategy Policy CS28 – Sustainable Design states that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Design should take all opportunities to improve the character and quality of an area and the way it functions."

The NPPF notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The National Planning Policy Guidance (March 2014), notes that "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations."

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

It is considered that the design of the building is utilitarian and functional in appearance and commensurate with the proposed use and is located within an established industrial area with buildings of similar design and appearance. Furthermore, it is noted that the site is largely concealed from public view being set behind buildings on Nobel Way and being set a significant distance from Church Lane. Overall it is considered that the design of the proposals is acceptable and would not harm the character and appearance of the surrounding area.

Taking account of this, the proposals are therefore considered to be in accordance with Policy CS28 – Sustainable Design of the Core Strategy and the guidance set out within the NPPF.

Impact on neighbouring properties:

With regard to neighbour amenity, UDP Policy ENV3.7 'Control of Pollution,' states "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which...is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place."

The NPPF, at paragraph 17 states that: "within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. "Amongst these 12 principles, it further goes on to state that: "...planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

The NPPF further notes at paragraph 123 that: "Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- Recognise that development will often create some noise and existing businesses wanting to development in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."

The Council's Neighbourhoods (Environmental Health) raised no objections to the proposals in terms of harm to the amenity of neighbouring residents, by virtue of noise, air quality or land pollution impact.

It is considered that the distance of the proposed development from residential properties and commercial occupiers would mean that the development would not harm have a significant impact on the amenity of neighbouring occupiers and residents.

Transportation issues

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

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- b. Enabling walking and cycling to be used for shorter trips and for links to public transport interchanges.
- c. Set thresholds where existing and future employers and institutions will need to adopt Travel Plans or Area Travel Plans as part of a programme of sustainable transport promotion.
- d. The use of maximum parking standards for non-residential developments aimed at reducing the number of car trips to and from them.
- e. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- f. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.”

The Council’s Transportation Unit raise no objections to the proposal in highway terms subject to conditions relating to the provision of suitable hardstanding areas, the car parking layout being provided and the submission of a Travel Plan to be agreed to promote sustainable transport choices, and these matters can be controlled by way of conditions.

It is considered that the proposed development would not have an adverse impact on highway safety or the capacity of the local road network. Therefore it is considered that the development is acceptable in highway terms subject to the recommended conditions.

Landscape and ecological issues

The Core Strategy Policy CS20 ‘Biodiversity and Geodiversity’ states that “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 in terms of nationally and locally prioritised sites, habitats and features and protected and priority species. Priority will be given to: (amongst other things)

Ensuring that development decisions will safeguard the natural environment and will incorporate best practice including biodiversity gain, green construction, sustainable drainage and contribution to green infrastructure.”

UDP Policy ENV2 ‘Conserving the Environment’ states that “In considering any development, the Council will ensure that the effects on the wildlife, historic and geological resources of the Borough are fully taken into account. The Council will only permit development where it can be shown that: (amongst other things)

- (i) Development will not adversely affect any key environmental resources.”

The NPPF at paragraph 109 states that “The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;

- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

The Council's Ecologist originally visited the application site and noted that it appeared to be plant and flower rich with the habitat quality being moderate. The site was also considered to support at least two common amphibian species. Eel Mires Dyke is noted to be located adjacent to the boundary of the site which is in good condition and could be suitable to support amphibians, grass snakes and other wetland species. Two partridges were seen on site, and the site was excellent habitat for butterflies, bumblebees and other insects, which may result in the site being good for foraging bats. The Council's Ecologist originally requested some additional information to be included within the submitted Ecology Survey.

On the submission of the additional information, it was noted that the site had been cleared of all vegetation and levelled. The applicant's agents were approached and required to explain the situation. They state that the developer understands that they should not have carried out the work prior to the consideration of the planning application and apologised for doing so. They explained that the site is being developed to accommodate the expansion of a business in North Anston and that they are under time constraints for developing the site. They also state that the original ecology report concluded that the site was of low ecological value, and as a result they did not consider ecology to be an issue.

The works to clear the site did not require planning permission and there are no restrictions at this time from a planning point of view, although it is noted that it was not best practice. The agent has now submitted additional ecological information, and has proposed mitigation measures and enhancements so that the ecological value of the site, and the adjacent Eel Mires Dyke, can be protected and enhanced. Ultimately it is considered that the proposed mitigation is acceptable and is in accordance with Core Strategy Policy CS20 and guidance contained within the NPPF.

In respect of the impact of the proposed development on the local landscape, Core Strategy CS21 'Landscapes' requires that new development will safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows' states that: "The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough."

In addition paragraph 118 of the NPPF states that: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

... planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of

aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”

The application includes a Landscape Masterplan for the site which proposes an acceptable mix of native buffer planting to boundaries, heavy standard trees, and ornamental planting to car parking areas in the form of hedgerows. This is considered to be acceptable for the site and in accordance with Core Strategy CS21 Landscapes and policies in the NPPF.

Contaminated land

UDP Policy ENV4.4 ‘ Contaminated Land’ states “Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:

- (i) undertaken investigations to establish the nature and extent of the contamination and its potential effects on the proposed development and/or the occupants thereof, and
- (ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council.”

Paragraph 120 of the NPPF states that “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

An intrusive Site Investigation Report was undertaken to determine if any significant soil contamination associated with the historical uses of the site could impact on the proposed industrial redevelopment of the site. Ten trial pits were excavated down to a maximum depth of 3.65m below ground level. Nine soil samples were collected from the trial pits and these were submitted to a laboratory for chemical testing for a suite of potential chemicals of concern.

The results of chemical testing confirmed that none of the samples tested had contaminants above government guideline values for a commercial end use. Five of the soil samples tested were reported to have had a hydrocarbon odour. Four samples were also tested for asbestos and no fibres were detected. The soils have been considered to be at a concentration that they will not pose a risk to human health from a commercial end use.

The Site Investigation Report notes that an area of 2,000 sqm has been designated for soft landscaping purposes. For this reason clean cover soils will be required for all areas of soft landscaping. Any materials imported to site will require testing to ensure they are free from contamination and are suitable for use. The Report adds that it is known that deep mining has been undertaken in the past

both beneath and in close proximity to the site. For this reason it is considered that gases migrating from the now abandoned coal mine workings is possible which could impact on human health. It is therefore recommended in the Report that appropriate gas monitoring be undertaken to determine the ground gassing regime at the site and whether any mitigation measures will be required.

The Site Investigation Report further notes that given the historical uses of the site there is potential for shallow ground waters to be impacted by contamination. It recommends that combined groundwater/gas monitoring boreholes be installed at the site so that an adequate risk assessment of ground waters can be undertaken and adds that given there are residual contaminants that will remain on site, suitably chemical resistant water supply pipes will need to be laid.

The Council's Contaminated Land officer has recommended that suitable conditions be attached to any planning permission granted in this respect.

As such, it is considered that the development is acceptable in contaminated land terms subject to the recommended conditions.

Drainage

The application was supported by a Flood Risk Assessment. The site is in Flood Zone 1, and Eel Mires Dyke is located to the south west of the site. Discussions have been undertaken between the Council's Drainage Engineer and the agent, and as a result an amended drainage strategy has been submitted which is considered acceptable with regards to the drainage of the site.

Conclusion

It is considered that the proposed building and use of the site for industrial/business use would be acceptable in principle in this commercial location and in terms of its appearance and impact on the surrounding area, and would not have an adverse impact on neighbouring industrial units or on the surrounding highway network. Furthermore, the development would not have an adverse impact on ecology or pose any risks to human health, in terms of ground contamination, subject to the recommended conditions.

It is therefore recommended that the application be granted subject to the imposition of the suggested conditions as set out below.

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)

Site Layout Ref 38671/012 Rev D

Floor Plans & Elevations Ref 38671/013 Rev D

Site Sections Ref 38671/014 Rev A

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the above ground construction of the building details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted or samples of the materials shall be left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

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

Reason

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

06

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time

bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

Reason

In order to promote sustainable transport choices.

07

The details contained within the Biodiversity Enhancement Strategy dated September 2016 shall be implemented at the site.

Reason

To promote biodiversity in accordance with Core Strategy Policy CS20 Biodiversity and Geodiversity and guidance contained within the NPPF.

08

Prior to any above ground construction further intrusive investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority and should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR 2-4). The approved details shall be carried out before the development is brought in to use.

Reason

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

09

A clean cover layer comprising of a minimum of 600mm clean suitable growing medium shall be provided in all areas of soft landscaping. Confirmation regarding the placement of such soils will be provided in the format of a validation report confirming that suitable soils of sufficient quality and quantity have been placed before the development is brought into use.

Reason

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

10

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

Reason

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

11

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

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

12

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

Reason

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

13

Landscaping of the site as shown on the approved plan (Weddle Landscape Design drawing no. 623/NWD 01C) 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 and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

14

Prior to any above ground construction a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

15

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

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

16

A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS 28 Sustainable Design.

17

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

Reason

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

Informatives

Control of working practices during construction phase

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

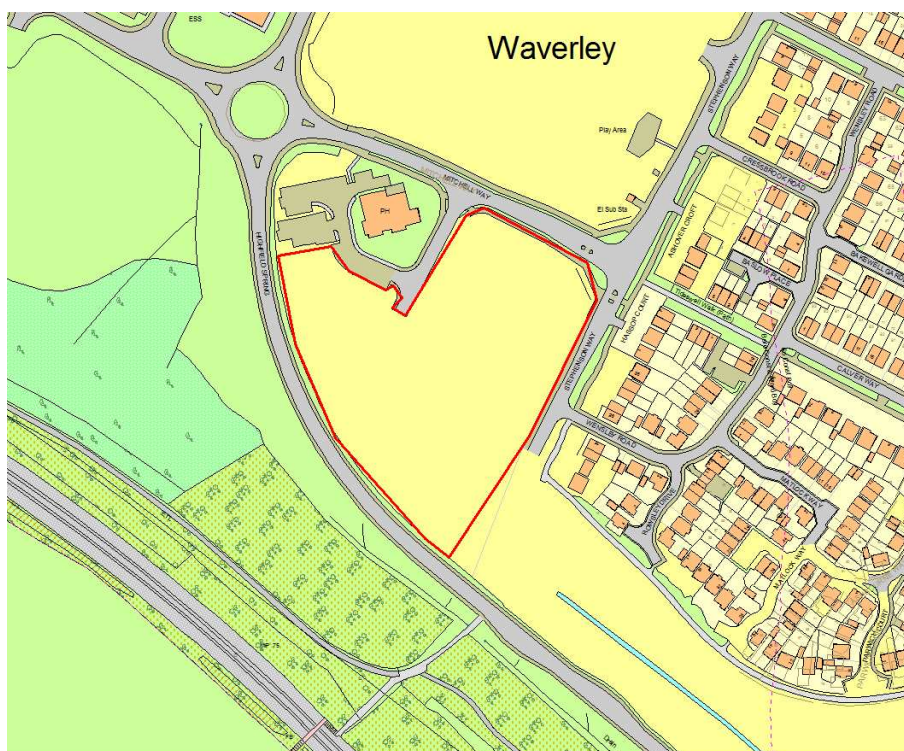
- (i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2016/0745
Proposal and Location	Erection of 56 No. dwellinghouses with associated access, drainage, landscaping & infrastructure at land at High Field Spring Waverley
Recommendation	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • The delivery of 16% affordable housing across the application site. Comprising of 6no. 2 bed apartments and 3no. 3 bed dwellings to be offered for rent based on 52% open market value. • Offer to provide the First Occupier with a Travel Card with the effect that each Dwelling is offered one Travel Card irrespective of the number of occupiers living in the relevant Dwelling. <p>B Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



Site Description and Location

The site extends to 2 hectares, and lies within Waverley in an area known as Highfield Commercial, located between the Advanced Manufacturing Park (AMP) and Waverley New Community (WNC). Located within the northern corner of the site is the existing Public House whilst the remaining area is currently vacant and covered in scrub. Land to the south east, adjacent to Stephenson Way, comprises the first phase of residential within the new community.

The site is bound on all boundaries by existing road infrastructure; Highfield Spring to the south west, Mitchell Way to the north and Stephenson Way to the south east. Direct access to the site exists via an existing road off Mitchell Way which currently serves the public house.

Background

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

Following completion of the remediation works, two applications were submitted relating to a employment uses, these are listed below:

- RB2004/1571 Outline application for B1 (Business), B2 (General Industrial), B8 (Storage and Distribution), hotel, railway station and ancillary leisure & retail development including details of the means of access – Granted Conditionally 28/01/08.
- RB2008/1695 Outline application with all matters reserved except for the means of access for the development of 60,000m² of B1 office space, 120 bed hotel and ancillary retail and leisure facilities – Granted Conditionally 01/04/2011

Proposal

This is a full application for the erection of 56 dwellings with associated access, drainage, landscaping & infrastructure on land immediately to the north of the approved Waverley New Community. For the purposes of this application the design of this phase of development is subject to the design code approved for the Highfield Spring (South) Character Area.

The proposed units consist of a mixture of 1 bedroom apartments and 3 and 4 bedroom dwellings which are 2, 2.5 and 3 storeys in height. 16% affordable housing is provided which equates to 9 no. units, comprising of the 6 No. 2 bed apartments and 3 No. 3 bed dwellings. Vehicular access will be provided from Mitchell Way with individual plot access from Stephenson Way. A number of secondary and tertiary roads will feed off Mitchell Way into the development itself.

The layout can be summarised as follows:

- 6 No. 2 bed apartments, 18 No. 3 bed dwellings and 32 No. 4 bed dwellings;
- Mixture of terraced, semi-detached and detached dwellings and a singular block of apartments extending to 2, 2.5 and 3 storeys in height;
- Strong built form fronting Highfield Spring and Highfield Lane;
- Boundary treatment consists of a mixture of brick walls where boundaries abut a highway and timber fences in between properties;
- Materials include red and buff brick with white render;
- Car parking will be provided via car parking courts for apartments whilst on plot parking will be provided for dwellings in the form of integral and detached garages.

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

Planning Statement supports the submission of this planning application and provides details of the site and proposed development, details of the public consultation undertaken and an analysis of the planning policy context. It concludes by stating *'On the basis of the evidence provided in this section and all of the accompanying technical reports, it is considered that the principle of development has been firmly established in that the Site is sustainable and that the provision of housing on the Site will help contribute to the ongoing success at Waverley and form an integral part of the mixed use proposals and Highfield Commercial.'*

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

Transport Assessment assesses the impact of the proposed development on the local and strategic highway network, taking into account committed development and Travel Plan measures. The Assessment provides an analysis of trip generation and distribution and concludes that *'The current proposals for the Phase HC5 site will deliver fewer trips than the agreed proposals for the Highfield Commercial Masterplan Development Framework. This is a key finding in terms of our overall methodology and restricts the assessment to the local access junction only, on the basis that wider junction operation will be no worse off. It is demonstrated that no mitigation will be required to deliver the Phase HC5 site in isolation and that there are no grounds to withhold consent for Phase HC5.'*

Noise Impact Assessment considers foreseeable future baseline noise levels within the wider Waverley New Community, including forecast traffic flows once the WNC development is fully constructed, and the anticipated construction of a Local Centre within close proximity to the north of the site. In considering advice contained within the NPPF the proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of a glazing and ventilation strategy for proposed residential dwellings.

Flood Risk Assessment acknowledges that the site falls within land assessed as having less than a 1 in 1000 annual probability of river or sea flooding in any year and therefore falls within a Flood Zone 1 area. Accordingly the Sequential Test is satisfied and there are no requirements for flood mitigation measures for this

particular site. However, in order to accommodate the possibilities of flood from extreme storm or blocked sewers and surcharge of the watercourse, flood mitigation measures are recommended.

Ecological Checklist confirms that the site has been continuously monitored for protected / notable species in accordance with the Site Biodiversity Action Plan. Surveys for breeding birds have been undertaken annually, the survey is underway for the 2016 season. Winter bird surveys were undertaken during 2015/2016 survey period. Brown hare and bat transects were also undertaken during 2015 survey periods. The disturbance/displacement of ground nesting birds, reptiles and brown hare are the main biodiversity implications however an ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods.

Ground Conditions Report provides details of the anticipated ground conditions beneath the site that have been obtained from a desk study of information, including intrusive investigation data and published record. It documents the site's previous coal mining activities which include deep mining and open cast extraction and its later compaction to create development platforms. The Report goes on to document data relating to the settlement of the site and concludes that the formation should be capable of supporting shallow foundations for reasonable sized and loaded structures.

Foundations Options Report appraises foundation options for residential properties on the application site and provides details of recent assessment work which includes skip load tests over a period of time. The report concludes that *'The result of additional skip load tests and ground modelling indicate that reinforced strip foundations would be suitable across (the site), with predicted settlements below 25mm for a 600mm wide strip footing. The results from the recent boreholes indicate there may be a variation in relative density between the older backfill and recently placed engineered fill. Although skip test T8 indicates that a strip footing would be acceptable for the new fill there remains the possibility that were individual units span the two material types there is a potential for some differential settlement. On this basis it is considered prudent to allow raft foundations within this zone.'*

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'Industrial and Business' purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site as Mixed Use Area 21: Highfield Commercial, Waverley on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS 1 'Delivering Rotherham's Spatial Strategy'

CS 2 'Delivering Development on Major Sites'
CS 6 'Meeting the Housing Requirement'
CS 7 'Housing Mix and Affordability'
CS 19 'Green Infrastructure'
CS 20 'Biodiversity and Geodiversity'
CS 21 'Landscape'
CS 28 'Sustainable Design'
CS 31 'Mixed Use Area'

Unitary Development Plan 'saved' policy(s):

EC3.1 'Land Identified for Industrial and Business Uses'
EC3.3 'Other Development within Industrial and Business Areas'
HG5 'The Residential Environment'
T8 'Access'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

SP69: Mixed Use Area 21: Highfield Commercial, Waverley

Other Material Considerations

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

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

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

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but awaits testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

The application has also been assessed against the requirements of the:

South Yorkshire Residential Design Guide.

Rotherham's Interim Planning Statement on Affordable Housing.

The Council's Parking Standards (approved in June 2011).

Publicity

The application was advertised in the press and by individual letters to neighbouring dwellings. Site notices were also erected on site. A total of 2 representations have been received which are summarised as follows:

- We live directly opposite this site and I regularly see Lapwings nesting on that area. Also there is a family of wild hares who use that area. I am concerned that this wildlife will be destroyed if building progresses.
- I am worried about construction traffic and our road being blocked so we cannot get out (which happened quite frequently when we last had construction traffic around).
- Currently there is adequate parking provided for the residents at the end of Wensley Road and for the Winter Green pub. However whenever the residents of Wensley Road have visitors they can park on Stephenson way. Also if the Winter Green pub car park gets busy the cars park on Mitchell Way. This will be restricted with the driveways that lead outwards. Would it be possible to have the houses face inwards so the drives lead on to their own roads within the development?
- Will a temporary road be in place and where will deliveries be to site storage and cabins?
- When we first moved in we would often be blocked in by construction traffic parking at the end of our shared drive where the lowered kerbs are at the end of Wensley Road. Can a sign be positioned here to eliminate this from happening again?

Consultations

Streetpride (Transportation and Highways) have assessed the contents of the submitted Transport Assessment and confirm that the data and the modelling presented appears to indicate a slight reduction in trips relative to the already granted Highfield Commercial permission for this site. The junction continues to operate within capacity up to 2020. Beyond that date there is an assumption that much of the Rotherham bound traffic will use the reinstated Highfield Lane.

Streetpride (Landscape) have liaised closely with the applicant during the application process and following the submission of amended plans consider the development to be appropriate for this phase of the wider development

Streetpride (Leisure and Green Spaces) acknowledges that the site will form part of the wider New Community which has made provision for open space and whilst physically detached by Stephenson Way confirms that it is in close proximity to the Greenway, which is located to the north of Phase 1I.

Streetpride (Ecology) confirms that there is nothing of ecological value on the site. A biodiversity enhancement strategy should nevertheless be produced. No objections are raised to the application.

Streetpride (Drainage) raise no objections to the proposed development subject to the imposition of a condition requiring the submission of detailed drainage information prior to the commencement of development.

Neighbourhoods (Environmental Health – Land Contamination) have reviewed the submitted information; however consider a Phase II Intrusive Site Investigation should be produced and submitted prior to the commencement of development given the site's history of mining.

Neighbourhoods (Affordable Housing Officer) raises no objections to the proposals subject to the signing of a S106 Agreement securing the provision of 16% affordable housing equating to 9 units in the form of 2 bed apartments and 3 bed dwellings.

Neighbourhoods (Urban Design) made comments on the initial layout relating to the relationship of dwellings with existing built development and the location of the apartment block. Following the submission of an amended layout and landscape plan, earlier comments are now addressed and the development is now considered to be appropriate for this site.

Environment Agency confirm that the site lies within a Flood Zone 1 area. Accordingly no objections are raised to the proposed development.

South Yorkshire Police have commented on the proposed layout, however do not raise any fundamental objections.

Sport England confirm that the proposed development is not considered to fall either within our statutory remit, or non-statutory remit upon which we would wish to comment, therefore Sport England has not provided a detailed 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.

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

- The Principle of the Development
- Design and Layout
- Compliance with the Design Code
- Impact on Neighbouring Amenity
- Transportation Issues

- Drainage and Flood Issues
- Landscape and Ecology
- Geotechnical Issues
- Planning Obligations

Principle of Development

The Site is allocated for Industrial and Business purposes in the adopted UDP. Consequently any proposals for residential use on the site will need to justify the loss of an employment site.

The application site consists of approximately 2.2ha of land which is currently vacant and comprises of rough grassland. The site has been vacant since the remediation of the wider site in the late 1990's and is known locally as part of the wider Highfield Commercial site which extends northwards towards Poplar Way.

Saved UDP Policy EC3.1 'Safeguarding Existing Industrial and Business Areas' states that *"The Council will support proposals which safeguard the viability of established industrial and business areas, including those which seek to improve buildings, infrastructure and the environment."*

In this respect the proposals would be contrary to EC3.1, however saved UDP Policy EC3.3 'Other Development within Industrial and Business Areas' states *"Within the sites allocated for industrial and business use on the Proposals Map, other development will be accepted, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses, where such development can be shown to be ancillary to the primary use of the area, or would provide significant employment and it can be shown that:*

- i) there are no suitable alternative locations available for the proposed development,*
- (ii) no land-use conflicts are likely to arise from the proposed development, and*
- (iii) the proposal significantly increases the range and quality of employment opportunities in the area."*

The applicant has outlined in their supporting Planning Statement that there have been difficulties in promoting the wider Highfield Commercial Site for employment development and this has been clearly shown by the continued promotion of the land for employment uses over a number of years without success. Indeed the only body to show interest in occupying the site was Helical Governetz however this scheme never came to fruition and since this time no other interest has been shown in developing the site for employment uses. Accordingly some of Highfield Commercial has now reverted to other uses including a Training Centre for the University of Sheffield and a Public House.

The lack of interest for employment uses is accepted by the Council's RiDO team who have been involved in the marketing of the site and concur that very little interest has been shown partially as a result of the sites close proximity to existing residential uses.

Notwithstanding this, recent planning applications for the creation of development platforms on the AMP have created an additional 7.5ha of land. This land falls within the existing Industry and Business allocation and as such more than compensates for the loss of the 2.2ha of land proposed for residential. It is also considered that the land, being physically located within the AMP will be more desirable to potential business occupiers than the proposed site given there will be less constraints relating to proximity to sensitive users such as residential occupiers.

Having regard to the above, it is considered that the loss of this site to a residential use will not have a detrimental effect on the quantum of employment land on the AMP as a whole. Furthermore, no land use conflicts are likely to arise from the proposed development, indeed it is considered that the proposed use is more appropriate given the site's relationship to the Waverley New Community. Accordingly the proposals accord with the provisions of UDP Policy EC3.3 'Other Development within Industrial and Business Areas'

Turning to the provision of a 5 year housing supply, Paragraph 47 of the National Planning Policy Framework notes that:

"To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- identify and update annually a supply of specific deliverable (11) sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- identify a supply of specific, developable (12) sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*
- set out their own approach to housing density to reflect local circumstances.*

(11) To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

(12) To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

Paragraph 49 of the NPPF also adds that: “...*housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*”

The Council cannot currently demonstrate a five year housing land supply + 20%, as evidenced in the SHLAA published in 2015. However over a number of years the Council has, through the preparation of draft Sites and Policies Documents 2011, 2013, 2014, and 2015 and their accompanying Sustainability Appraisals for consultation purposes, considered the allocation of sites for residential, employment, retail, mixed use, Green Space and other supporting community services and facilities.

The ‘Publication Sites and Policies Document’ was published in September 2015 and is currently undergoing Examination in Public. In preparing its Local Plan the Council has undertaken an in-depth study of all potential site allocations which have been subject to sustainability appraisal and consultation. This document includes the new draft policy for the application site, identifying it as ‘Mixed Use Area 21: Highfield Commercial, Waverley’ which extends to land covering the entire Highfield Commercial Area, however does distinguish between the 3 physical areas. The application site is identified as ‘Land south of Mitchell Way’ where appropriate uses are identified as being C2 (residential institutions) and C3 (residential).

The proposal for residential development therefore complies with the provisions of this emerging policy and whilst the application has been submitted ahead of the adoption of the Sites and Policies DPD, they are nevertheless being brought forward in a manner that is consistent with the draft wording of the policy. Furthermore, the Council cannot currently demonstrate a five year housing land supply, therefore given the site’s proximity to the existing Waverley New Community it is considered that the site is located within a sustainable location and will contribute to the delivery of housing in this area. The principle of development is therefore considered to be acceptable and in accordance with Policy EC3.3 and guidance contained within the NPPF.

Design and Layout

Policy HG5 of the adopted UDP encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in National Planning Policy in the NPPF.

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all

development, including individual buildings, public and private spaces and wider area development schemes.”

In addition, CS policy 21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS policy 28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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

The application site lies immediately adjacent to existing dwellings within Waverley New Community and Phase 1I which is yet to be developed; however forms part the Highfield Spring (south) character area. A public house is located within the northern corner of the wider site on the junction of Highfield Spring and Mitchell Way.

The proposals comprise of a mix of apartments, terraced, semi-detached and detached dwellings and are proposed to be 2, 2.5 and 3 storeys in height. The layout of this parcel of land, whilst not technically part of the New Community site is intrinsically linked, accordingly the applicant was asked to have regard to existing and proposed (phase 1I) development when designing the layout and elevation treatments of the proposed dwellings. The layout therefore follows the general principles set out in the new community masterplan in that it incorporates a key frontage along Highfield Spring and respects the existing form along Stephenson Way.

The Highfield Spring frontage provides a key interface between Highfield Spring and the built development and incorporates a number of 2.5 and 3 storey terraced and semi-detached dwellings. The siting of these dwellings are dictated by the existence of a drainage easement which has resulted in them being set back from Highfield Spring. Nevertheless, consistent spacing which assists in creating a natural rhythm to the streetscene has been achieved, which will stand in contrast to more varied streets internally. All car parking is located on plot or within either integral or detached garages, accessed off a proposed new estate road which will run parallel with Highfield Spring.

Having regard to the Stephenson Way frontage, detached properties are proposed that reflect the scale and massing of existing properties opposite with the exception of the apartment building which is 3 storeys in height and located on the junction of Stephenson Way and Highfield Spring. This building does however mirror the apartment building on Phase 1I, providing two ‘book ends’ acting as an entrance feature into the site.

A similar arrangement to that proposed along the Highfield Spring frontage is proposed along Mitchell Way. This element of the scheme was amended during the application process as it was considered a denser form of development will reflect the local centre allocation within the Sites and Policies DPD of the land opposite more appropriately.

The remainder of the development i.e. 'The Internal Streets' are less formal than the Highfield Spring/Mitchell Way/Stephenson Way frontages and comprise of a mix of building types at 2 and 2.5 storey's in height. A variety of materials including red and buff brickwork alongside white render similar to that previously approved in the Waverley Central and Highfield Spring Character Areas are proposed, alongside soft landscaped front gardens without any formal means of enclosure. Rear gardens onto internal streets which result from outward facing development benefit from robust boundary treatments comprising 1800mm brick walls.

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

Compliance with the Design Code

Whilst not technically forming part of the Waverley New Community site, during discussions with the applicant and landowner at pre-application stage it was considered that the site should form part of the existing Phase 1 as the two sites are intrinsically linked. Accordingly, the applicant was requested to produce a Design Code which considered both this parcel of land and the adjacent Phase 1 site. In this regard the design code for this phase of development was submitted in response to the requirement of Condition 3 of the outline approval (RB2015/1460). This document provides a set of parameters which any detailed design proposal within these phases must adhere to. It sets out essential elements that must be delivered to implement the masterplan and are intended to be a mechanism to coordinate the implementation of different elements within the development and provide a framework for the entire site.

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

Additionally, the layout identifies different street types including the use of landscaping features and pedestrian links as identified in the Design Code. The street scenes and separation distances between residential dwellings accord with the parameters of the approved Design Code and use of strong frontages along Highfield Spring/Stephenson Way ensure that the proposed development is in full compliance with the rules and parameters of the approved Design Code for this

Phase of development and the overriding Master Plan Development Framework and Principles Document.

Impact on neighbouring amenity

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

- always seek... a good standard of amenity.”

The SYRDG further advocates that a common minimum rear garden or amenity space distance of about 10 metres in depth.

The proposed residential units on this phase of development comprise of a mixture of 2 and 4 bedroom dwellings and 2 bedroom apartments which are 2, 2.5 and 3 storeys in height. The site is located adjacent to existing properties on Stephenson Way and the public house on the junction of Mitchell Way. Highfield Spring. Separation distances between the existing and proposed built form vary along the length of Stephenson Way, however maintain the minimum separation distances of 21m between habitable room windows. These distances, together with the comparable scale of the proposed units is considered to be acceptable and will not have an unacceptable impact on the living conditions of existing residents.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties, 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types proposed have been designed to adhere to these space standards and each dwelling will have private rear gardens with the exception of the apartments, however these are located within close proximity to existing links which include the Greenway, located along the northern boundary of Phase 1I, the proposed open space adjacent to Highfield Lane and the wider open space adjacent the lakes. Adequate space about dwelling distances have also been achieved in line with the guidance in order to ensure that amenity value is high for residents with no potential for overshadowing or loss of privacy.

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

Transportation Issues

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

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

development near to public transport interchanges or near to relevant frequent public transport links.

g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

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

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

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

The Council’s minimum parking standards – adopted June 2011, require 1 parking space per dwelling (1 or 2 bedrooms) and 2 parking spaces per dwelling (3 or 4 bedrooms).

Having regard to the above, the application is supported by a Transport Assessment (TA) that assesses the impact of the proposed development on the local and strategic highway network. It acknowledges that the primary access will be off Mitchell Way, via the existing junction providing access to the car park to the adjacent public house and assumes that the majority of residents will access the local highway network via the Highfield Spring/Mitchell Way roundabout. Existing bus routes operate along Highfield Spring, as well as Poplar Way to the north operating services between Sheffield/Rotherham and between Waverley and Meadowhall.

The TA then goes on to assess trip generation and distribution associated with the proposed development against committed development which includes the University Training Centre, Waverley New Community, Sheffield Business Park and residential developments at Catcliffe. Following a full analysis, the report confirms that *‘The current proposals for the Phase HC5 site will deliver fewer trips than the agreed proposals for the Highfield Commercial Masterplan Development Framework. This is a key finding in terms of our overall methodology and restricts the assessment to the local access junction only, on the basis that wider junction operation will be no worse off. It is demonstrated that no mitigation will be required to deliver the Phase HC5 site in isolation and that there are no grounds to withhold consent for Phase HC5.’*

The Council’s Transportation Department have assessed the contents of the TA and confirm that they have looked at the data and the modelling presented and it

appears to indicate a slight reduction in trips relative to the already granted Highfield Commercial permission for this site. The junction continues to operate within capacity up to 2020. Beyond that date there is an assumption that much of the Rotherham bound traffic will use the reinstated Highfield Lane and on that basis no objections are raised.

The TA also includes a Travel Plan which confirms that Travel Planning for the New Community is already in place. There is a named Travel Plan Coordinator and a Travel Plan Steering Group has been established which is comprised of representatives from RMBC and Harworth Estates, with invitations to meetings extended to SYPTE and Highways England. The overall aim of the Waverley New Community Travel Plan is to reduce the impact of travel generated by residents and visitors to the site, particularly through reducing the reliance on single occupancy car use through the promotion of public transport, walking and cycling. Phase HC5 will be incorporated into the Travel Plan for the wider New Community site.

On the basis that this site will tap into the established travel plan, which appears to be working to reduce the reliance on car use it is considered that the information provided is sufficient at this time.

Turning now to the layout of development, the applicant, Harron Homes have worked closely with RMBC Officers to ensure the layout accords with the provisions of the South Yorkshire Residential Design Guide and the Council's minimum parking standards and on that basis it is considered that the layout of the development is appropriate for this site and the wider Waverley New Community. It is however acknowledged that an objection has been received relating to the potential for indiscriminate parking along the eastern side of Stephenson Way, resulting in existing accesses being blocked as a result of individual driveways being proposed to dwellings along this frontage. Whilst this may be the case in extreme situations, the level of car parking within the proposed development and within the existing on the opposite side of Stephenson Way accords with the minimum requirements in the Council's Car Parking Standard and is therefore considered acceptable.

Overall, the development is considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel' and the advice within the NPPF.

Flood Risk and Drainage

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

The report confirms that the site falls within land assessed as having less than a 1 in 1000 annual probability of river or sea flooding in any year (less than 0.1%), therefore all uses of the land are appropriate within this zone but an assessment of the effect of surface water run-off will need to be incorporated in any Flood Risk Assessment.

Taking the above into account, it is considered that the risks of flooding to the site are minimal and have not changed from those identified within the original FRA for the new community and wider Waverley site. All new properties within this phase of development will be set a minimum of 150mm above adjacent finished ground levels as stated within the submitted FRA, which is also a requirement of all new properties within the wider new community.

Having had regard to the above, it is considered that this full application conforms with the detail set out in the Waverley New Community Outline Surface Water Strategy and Site Specific Flood Risk Assessment as well as advice contained within the NPPF.

Landscape and Ecology

The NPPF advises at paragraph 117 that: *“To minimise impacts on biodiversity and geodiversity, planning policies (amongst others) should:*

- *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”*

Core Strategy 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 in terms of nationally and locally prioritised sites, habitats and features and protected and priority species. Priority will be given to: (amongst other things)*

c. Conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets;

l. Ensuring that development decisions will safeguard the natural environment and will incorporate best practice including biodiversity gain, green construction, sustainable drainage and contribution to green infrastructure.”

The landscape proposal for the development has been designed in accordance with the content of the Design Code which states *“High quality surface materials should be used to enhance public realm and encourage pedestrian activities. Hard and soft landscaping treatment and tree planting should be used where appropriate.”*

In this regard a landscape masterplan supports the application which shows the planting of extra heavy standard trees along the Highfield Spring frontage, consistent with those proposed as part of the Phase 11 development to the south east. Additional tree planting is also proposed along Stephenson Way. Ornamental shrub planting and a grassed area is proposed along the intersection of Mitchell Way and Stephenson Way due to the fact that any planting in this area is constrained due to the existence of an easement and trees are therefore unsuitable.

Front garden areas are soft landscaped and open plan and the area around the proposed apartment block is shown to be grassed with shrub and tree planting. Boundary treatments consist of 1800mm high screen walls where they abut a highway and 1800mm high feather edged timber fencing within rear garden areas.

No areas of open space are proposed within this phase of the development; however the site lies directly adjacent to the Waverley New Community and will benefit from the public open space within the development and the links into it. The site has a direct link along the greenway to the north of phase 1I and along Highfield Spring to the south of phase 1I. The small area of open space within phase 1I is located approximately 400 metres from the application site and the nearest equipped play space is located approximately 450 metres to the east. The greenway to the north of phase 1I and along Tideswell Walk, Calver Way and Whirlow Chapel Road are also located adjacent to the site and easily accessible from it, providing ease of access and recreational opportunities in their own right. It is therefore considered that the proximity of the site to this range of public open spaces and its links/proximity to Waverley New Community ensure it complies with the requirements of local planning policy.

The Council's landscape architect and green spaces team have assessed the proposals in line with the requirements of the Design Code and are happy that the proposal is in accordance with the document. It is therefore considered that the proposal is acceptable in terms of landscaping and open space provision.

Turning to the issue of management and maintenance, there is a requirement under the Waverley New Community outline S106 agreement to establish a management company to maintain all areas of open space within Waverley New Community. This has been established by Harworth Estates as the main landowner and whilst the site does not technically fall within the new community the landowner has confirmed that the management and maintenance of landscaping outside of individual curtilages will be carried out by the management company, which is funded by residents via an annual precept.

Having regard to the above, it is considered that sufficient landscaping and green infrastructure has been proposed within this phase of the development to contribute to the appearance of the proposed development and its appearance within the Waverley development as a whole.

Turning now to the ecological impact of the proposed development, the outline application for the new community was accompanied by an Environmental Statement and whilst it is acknowledged that the application site falls outside of the outline application site boundary, the search area included this and the remainder of the Highfield Commercial site to the north east. The report considered the key environmental impacts including the impact of development on ecology and biodiversity. In addition to the Ecology Assessment, the applicant also submitted a Biodiversity Action Plan and an Ecological Management Strategy. The Ecological Assessment described those habitats and species present on and adjacent to the site and assessed the impacts on those habitats to be created through the restoration proposals. The baseline conditions relating to habitats and species were identified through desktop surveys of national and local databases and from field surveys. Since this time regular habitat surveys have been undertaken and

an Ecological pro-forma has been submitted in support of the application based on the findings of these surveys.

This pro-forma has been completed by the same consultant who prepared the ecological information for the new community outline application and confirms that breeding bird and reptile surveys have been carried out on an annual basis since 2012 and monitoring surveys for the 2016 season are currently underway. Winter bird surveys were undertaken during the 2015/2016 survey period. Brown hare and bat transects were also undertaken during 2015 survey periods. Furthermore, an ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods.

It is acknowledged that a representation has been received indicating that Lapwings regularly nest in the area and there is a family of wild hares who have been sighted. In this regard, the Council's Ecologist has assessed the submitted information and notes that *'The site currently comprises pioneer vegetation on compacted and disturbed bare ground with significant areas of ephemeral and ruderal vegetation. A dry perimeter ditch runs just inside the site boundary with High Field Spring (road). At least two local plants, hare's foot clover and yellow-wort, were recorded. Preliminary works to prepare the site for construction appear to have taken place and the site has little in the way of natural features. Decades of coal mining have presumably removed these. As a result, there is little of high ecological value on the site. A biodiversity enhancement strategy should nevertheless be produced. I have no objections to the application.'*

Having regard to the above, it is considered that adequate safeguards are to be put in place in the form of a condition requiring the submission of a Biodiversity Enhancement Strategy and sufficient information is available in the form of annual surveys which review species and habitat and as such the development is not considered to have an unacceptable impact on ecology in accordance with guidance contained within the Paragraph 109 of the NPPF and Policy CS20 of the adopted Core Strategy.

Geotechnical & land Contamination Issues

The NPPF notes at paragraph 120 that: *"Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."*

The NPPF further advises at paragraph 121 that; *"Planning policies and decisions should also ensure that:*

- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
- *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- *adequate site investigation information, prepared by a competent person, is presented."*

The application is accompanied by Ground Conditions and Foundations Options Reports, these reports detail the site's history of open cast mining and later compaction work and settlement data. It then goes on to consider contamination in the context of future development.

Having regard to the ground conditions, the aforementioned report states that *'The central and southern area of the site comprises backfilled opencast working that has been subject to up to 40m of surcharging for a period of up to 6 years. Settlement monitoring data available together with the results of the loading tests and inundation tests carried out on the adjacent Waverley Community site where less surcharge was placed for a shorter period of time has been considered when evaluating the development potential of this part of the site. Considering this data, it is concluded that the formation should be capable of supporting shallow foundations for reasonable sized and loaded structures. Design specific to the nature and tolerances of the individual structures will be required and the geotechnical properties established by the adjacent loading tests should provide a conservative approach.'*

Turning to land contamination the report confirms that there are no development constraints associated with soil contamination in the central and southern part of the site. Mitigation measures to counteract the potential for ground gas seepage should however be adopted. The Council's Land Contamination Officer has been consulted on the application and whilst no objections to the proposed development are raised, she confirms that additional information is required in the form of a Phase II Intrusive Site Investigation to enable a full assessment of proposed mitigation measures. It is considered that a condition to this effect will allow for a full assessment of these measures to take place, in accordance with the provisions of the NPPF.

Affordable Housing:

With regard to affordable housing provision, paragraph 50 of the NPPF states that: *"...where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time."*

Policy CS7 Housing Mix and Affordability states that: *"Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community."*

The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development: (which includes)

- i. Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site."*

The application was accompanied by a financial appraisal which concluded that the provision of 25% affordable housing on the site was unviable and only 10% could be provided. The appraisal was independently audited by the District Valuer who concluded that the site was viable to make a full affordable housing contribution as well as the offer of a travel pass to each household.

However, in assessing matters, the Council's Affordable Housing Manager has subsequently appraised the findings of both reports and in the interests of securing an acceptable provision of affordable housing on site prior to the introduction of the impending starter homes agenda, concluded that the site is viable at 16%. This percentage equates to the provision of 9 units in the form of 6no. 2 bed apartments and 3no. bed dwellings to be offered for rent based on 52% open market value. Should there be no interest to purchase from registered providers or the Council, the developer will pay a commuted sum towards off site provision based on 40% open market value.

Having regard to the above, it is recommended that the Council enters into a S106 Agreement securing the required provision.

Conclusion

Having regard to the above it is concluded that the proposed development would provide residential accommodation in this location and that the loss of land for employment use has been justified in this instance.

Furthermore the Council considers that the proposed development by virtue of its scale and layout would be in keeping with the wider Waverley new community and would not have an adverse impact on the streetscene. The proposed development would not be detrimental to the occupiers of neighbouring properties by being overbearing, nor would it result in any overshadowing or loss of privacy due to its siting and relationship with neighbouring properties.

The proposals would not be detrimental in highway safety terms with adequate in curtilage parking. Furthermore the site is considered to be located in a sustainable location with access to a range of transport options. Finally, the proposal would take adequate steps to address potential ecology and contamination issues on the site.

As such the proposal complies with the NPPF, UDP, Core Strategy and South Yorkshire Residential Design and is subsequently recommended for approval, subject to the contribution towards affordable housing in the area as secured by way of the related S106 Legal Agreement.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 3, 6, 7, 9, 12, 15, 21 & 22 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 3, 6, 7, 9, 12, 15, 21 & 22 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

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

Reason

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

02

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

- Red Line Plan - Ref: 344-RL-02
- Planning Layout - Ref: 344-002 N
- HC5 Landscaping Plan - Ref: R-1855-3C
- Flood Exceedance Layout for Area 1I - Ref: 873/36/10.02 A
- Apartment Block Plans, Elevations & Entrance CGIs - Ref: FD-01
- Kinnersley Contemporary – Ref: 344-PD-21
- Windsor Contemporary – Ref: 55-344-13
- Settle V0 Contemporary – Ref: 56.284.13
- Settle V1 Contemporary – Ref: 56.344.13
- Buxton Contemporary - Ref: 85.344.13
- Salcombe (V0) Contemporary - Ref: 06-344-13
- Salcombe (V1) Contemporary – Ref: 07-344-13
- Warkworth Contemporary – Ref: 61.284.13
- Ashbourne & Derwent Block – Ref: 344-PD-01
- Derwent 3 Block – Ref: 344-PD-02
- Derwent Semi – Ref: 244-PD-03
- Kenilworth Contemporary – Ref: 30.284.16
- Street Scenes – Ref: 344-PD-10 B

Reason

To define the permission and for the avoidance of doubt.

03

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have

been submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site to include the correct colour mortar and window frames. The development shall be carried out in accordance with the approved details.

Reason

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

TRANSPORTATION

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

Before the development is brought into use the car parking areas shown on the site layout plan Ref: 344-002 Rev M shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

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

Reason

No details having been submitted they are reserved for approval.

07

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

Reason

In order to promote sustainable transport choices

08

All garages hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason:

In order to ensure that adequate parking provision is available and to minimise on-street parking, in the interests of visual amenity and highway safety.

09

Prior to the commencement of development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be implemented during the entirety of the construction period.

Reason

In order to ensure the development does not give rise to problems on the public highway, in the interests of road safety

DRAINAGE

10

The development hereby approved shall be carried out in accordance with the Flood Risk Assessment dated April 2016 by ARP Associates.

Reason

In the interest of satisfactory and sustainable drainage.

11

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

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

GROUNDWATER / CONTAMINATION AND GROUND CONDITIONS

12

Prior to the commencement of development a Phase II Intrusive Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Investigation shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4) and be undertaken by competent persons and a written report of the findings must be produced.

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

Subject to the findings of the Phase II Intrusive Site Investigation and prior to the commencement of any remediation works, a Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Remediation works shall be carried out in their entirety under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority shall 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

14

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

Reason

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

15

Prior to the commencement of development details of gas protection measures comprising:

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

Shall be submitted to and approved in writing by the local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring 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. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

16

Installation of the gas protection measures approved as a result of condition 15, shall be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

17

If subsoil and topsoil imported to site for landscaping works and garden areas, then these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to the site then the results shall thereafter be presented to the Local Authority in a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

18

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the development has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

ENVIRONMENTAL

19

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of

amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays.

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

Reason

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

20

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

Reason

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

LANDSCAPE & ECOLOGY

21

Prior to the commencement of development a biodiversity mitigation statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The statement should include details of all measures given in the Waverley Ecological Checklist – Pre Work Assessment for Harron Homes HC5 (06.05.2016) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

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

22

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

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

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

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

23

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

Reason

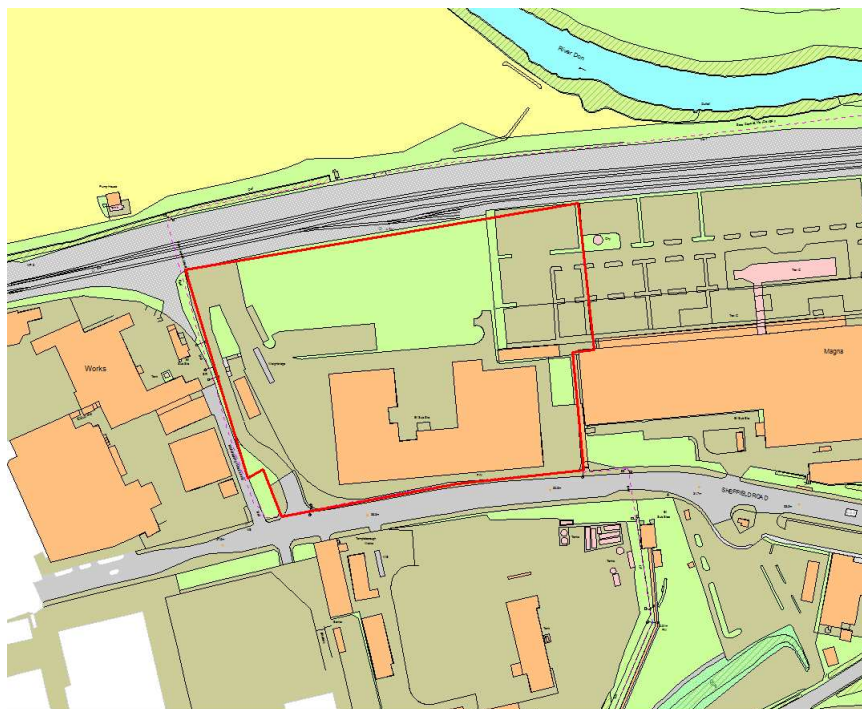
To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

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	RB2016/0891
Proposal and Location	Demolition of existing buildings and erection of a Renewable Energy Centre (gasification plant) and a Mechanical Treatment Facility with associated access, parking, buildings (including a weighbridge office and education facility), plant and equipment, external works and services, and landscaping land at former Templeborough Steel Works (Stereocycle site) on Sheffield Road, Templeborough. S60 1DX.
Recommendation	Grant subject to conditions

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



Site Description and Location

The application site is approximately 3.4 hectares in size and rectangular in shape. The site lies within an industrialised/urbanised area located to the north of Sheffield Road (A6178) in Templeborough, approximately 2km south west of Rotherham town centre, 7.5km north east of Sheffield City Centre and 1.5km east of M1 junction 34 near Meadowhall. The western boundary of the site aligns with the boundary division of RMBC to the east and Sheffield City Council to the west.

The nearby uses to the west and south are generally industrial or commercial in nature although the residential area of Tinsley is located approximately 200m south west of the site just east of the motorway junction. The Magna science adventure centre (former Templeborough Steelworks site) lies to the east. To the north beyond the railway line and the River Don lies Blackburn Meadows Waste Water Treatment Works and Blackburn Meadows Nature Reserve and Local Wildlife Site.

The site is currently in use as a storage area and headquarters for road works in the locality. The site itself is almost entirely concreted with the majority serving as a

car park with the rest either serving as a storage area / warehouse. There are small areas of short amenity grassland and some shrubs and scrub vegetation, including along the northern boundary beside the railway line, although these are not considered to be of significant ecological value. The site is free from established and mature trees. A line of young poplar trees run north-south through part of the site, and there is a short section of overgrown hedgerow containing young beech and hawthorn along the south-eastern boundary.

Background

The site has numerous recent planning history for waste applications (the last being in 2007, 2008 and 2009 for various alterations and new developments at the Sterecycle site). The Sterecycle plant closed in 2013.

The last (and most current application) on this site is as follows:

RB2015/0358 – Change of use of existing building to storage (use class B8) with external storage, formation of car park and temporary siting of 1 No. two storey portacabin for use as ancillary office accommodation and 1 No. single storey portacabin – granted.

This is a temporary permission which is valid until August 2017. Following this the permitted use of the site would revert back to waste purposes.

Proposal

The proposal is to demolish the former Sterecycle building currently on the site and erect a new Renewable Energy Centre (REC) for the recovery of energy (heat and power) from non-hazardous residual waste using an Advanced Conversion Technology process called 'gasification', a Mechanical Treatment Facility for the recovery of recyclable materials with the associated plant and infrastructure.

The main elements of the application can be summarised as follows:

General

- Capacity to produce circa 23MW of exportable electricity depending on the amount of heat to be exported.
- The plant is capable of accepting approximately 215,000 tonnes of pre-treated waste per annum which would otherwise go to landfill.
- Approximately 42 full time staff employed over three shifts and a further 10 staff providing specialist services from local businesses. There will be employment opportunities for local people.
- The plant would operate 24 hours per day with deliveries between 7:00 and 19:00 on weekdays and 07:00 to 14:00 on Saturdays.

Tier 1 from the major waste companies will account for approximately 60% of the waste entering the plant;

Tier 2 will consist of waste from local operators and will account for 30% waste;

Tier 3 where 10% of the waste will come from the spot market.

Tier 1 is anticipated to be sourced from within South Yorkshire and/or from within the 1-hour drive catchment.

Building design and layout

The proposed development consists of an energy plant and associated ancillary buildings comprising:

- Mechanical Pre-Treatment Plant, Tipping Hall & Waste Reception – The building will be L-shaped in form measuring 126.6m long x 40.6m wide narrowing to 34.2m wide and at its highest point would be 21.65m above ground level.
- High Level Conveyor.
- Boiler Room and Bunker – This building will be T-shaped in form measuring 80m long x 57m wide and at its highest point would be 45m above ground level sloping down to an eaves height of 38.4m above ground level.
- Flue Stack – A single flue stack to the west of the Boiler Room and Bunker measuring 3.7m in diameter at its base and 100m in height.
- Offices, Workshops and Education Facility – This building would be located to the northwest corner of the site. The building will measure 43m long x 20m wide and 15.75m at its narrowest point. The building will have a split roof reflecting the operational requirements within, with the southern part (primarily workshop and storage) constructed to a maximum height of 15m above ground level and the southern part (administrative offices and education centre) constructed to a maximum height of 8m above ground level at its highest point.
- Control Room and Turbine Hall – This building will be located towards the southern boundary of the site and measure 69.6m long x 23.7 wide and 16.2m at its narrowest point. The building will have a split roof with the eastern part (control room) constructed to a maximum height of 16.2m above ground level at its highest point and the western part (turbine room) constructed to a maximum height of 30.4m above ground level.
- Other buildings including a Water Plant Room located towards the southern boundary of the site. Weighbridge Office and Weighbridges located to the northwest of the site. Electricity Sub-Station in the south-eastern corner of the application site.
- Landscaping proposals will be included within the scheme to enhance the existing environment by planting additional shrubs and trees.

Vehicle movements

- The waste will be delivered to the site via refuse collection vehicles (RCV's), which will typically be 18-22 tonnes (gross weight), or in large articulated bulk haulage vehicles from nearby waste transfer stations.
- A total of 126 HGV trips per day (63 in / 63 out).
- Deliveries will occur between the hours of

Weekdays – 07:00 and 19:00.

Saturday – 07:00 to 14:00

Sundays – None

- HGVs importing and exporting materials from the site are expected to do so evenly throughout the 12- hour period and there is unlikely to be a peak in movements associated with these operations.

- A separate staff and visitor car park is provided to keep a clear separation between the large heavy good vehicles and cars. Barriers and fences will also ensure traffic moving through the site is kept to the intended areas.
- There is a single access points located off the proposed access road, serving the REC.
- Each lorry will need to be weighed once on site and once before it leaves. This will be controlled by the gatehouse. Emergency vehicle access to the site will be via the operational access.
- Vehicle Parking – 38 car parking spaces in total which includes 2 disabled bays.
- Cycle Parking – Provision for 28 cycling spaces.

Process

The proposed REC will manage residual waste, which is waste that is left following the practicable removal of recyclable materials (i.e. pre-treated waste), either as Refuse Derived Fuel or as other pre-treated wastes.

Unlike incineration, gasification does not burn (combust) the residual waste, but heats the materials at high temperatures (circa 1,400 degrees Celsius) until their composition breaks down. The thermal conversion will take place in two stages. The first stage involves the gasification (heating) of the residual waste within the gasification unit (primary chamber). The outputs from the gasification process is a synthetic gas called 'syngas' and 'bottom ash'.

All residual waste would be loaded into hoppers where it would be passed through a series of shredders and magnets to enable any ferrous and non-ferrous materials not previously recovered to be extracted and to shred the material to the size required by the gasification process. The recovered metals will be collected and stored in a bunker, which will be periodically collected and sent for recycling.

In the operation of the REC, flue gases are passed through a bag house filter, where lime and activated carbon will be injected to adsorb any contaminants in the flue gas. The cleaned flue gas is then discharged to the atmosphere via the stack.

The fuel bunker has sufficient storage capacity to enable operations to continue without delivery of residual waste for a period of up to 4 days.

Products generated

- Bottom Ash Management (ash from the gasification process) is temporarily stored on site before being transferred off-site disposal. The ash can be either recycled/recovered, or disposed of at an appropriately licensed landfill site.

Construction

- Subject to the grant of planning permission, it is anticipated that the construction of the proposed facility would commence in Q4 2017.
- It is anticipated that construction would last for approximately 30 months followed by a 9.5-month period of commissioning.
- Construction would normally take place during the hours of 07:00 to 18:00 (Monday to Friday) and 08:00 to 13:00 (Saturday); no construction would take place on Sundays or bank holidays.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'Industrial and Business' purposes in the UDP. In addition, the site is allocated as a saved waste site in the adopted Joint Waste Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS 14 'Accessible Places and Managing Demand for Travel'

CS 15 'Key Routes and the Strategic Road Network'

CS 18 Freight

CS 21 Landscape

CS 25 Dealing with Flood Risk

CS 27 'Community Health and Safety'

CS 28 'Sustainable Design'

CS 30 Low Carbon & Renewable Energy Generation

Unitary Development Plan 'saved' policy(s):

ENV3.2 'Minimising the Impact of Development'

ENV3.7 'Control of Pollution'

Joint Waste Plan – adopted by Barnsley, Doncaster and Rotherham in 2012

WCS2 'Safeguarding and enhancing existing strategic waste management sites'

WCS5 Landfill

WCS6 General Considerations for all waste Management Proposals

Other Material Considerations

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

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

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

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The Applicant has actively engaged in a series of public consultation and promotional events prior to the submission of the planning application to include and inform the local and wider community of the development proposals. This included a public consultation event in April 2016 at the Magna Science Adventure Centre and can be summarised as follows:

- Leaflet drop in March 2016 circulated to around 1,800 homes
- 18 comments forms were received included a mix of those in favour of the development proposals, those opposed to them and those who want to ensure their environment is protected if the proposal is granted planning consent.
- The most common concerns about the development were:
 - i. Air pollution and odours;
 - ii. Additional traffic generation;
 - iii. Noise and vibration;
 - iv. Concern over a repeat of the issues the local area had with the Sterecycle Plant.
- Those supportive of the development were in favour of:
 - i. Creation of employment;
 - ii. Reduction of waste going to landfill;
 - iii. Energy security

The application has been advertised by way of a press notice (Rotherham Advertiser 23 July 2016), 10 site notices predominantly in the Tinsley area (29 July 2016) along with individual neighbour notification letters to adjacent properties.

The locations of the 8 site notices within the Tinsley area were agreed with Sheffield Council. In addition, following advice from Sheffield officers, the three local Councillors within the Tinsley Area were notified in addition to the Tinsley local community group.

No letters of representation have been received.

Consultations

RMBC

Streetpride (Transportation and Highways Unit) – no objections subject to conditions

Neighbourhoods (Environmental Health, Air Quality) –

Neighbourhoods (Environmental Health) – no objections subject to conditions

Neighbourhoods (Environmental Health, Pollution Control) – no objections subject to conditions

Streetpride (Drainage) – no objections subject to condition

Streetpride (Landscaping) – no objections

Streetpride (Ecology) – no objections subject to condition

External

Environment Agency – no objection subject to condition(s)

The Coal Authority - no objection subject to condition(s)

South Yorkshire Mining Advisory Service (SYMAS) – no objection subject to condition

National Grid – no objections

Network Rail – no objections subject to informatives

Highways England – no objections

Sheffield Council – no comments to the application and no objections raised in the previously agreed Scoping Report or at pre-application stage.

Sheffield Air Quality – No objections raised in the Scoping Report or pre-application.

Police Architectural Liaison Officer– no objections subject to informatives

SY Fire and Rescue – no objections

Yorkshire Water – no objections subject to conditions

Civil Aviation Authority (CAA) – no comments

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

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

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

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

- The principle of the development
- Impact on Air Quality
- Contamination and Pollution Control
- Transportation Issues
- Design and appearance on the street scene
- Impact on the surroundings and general amenity issues
- Drainage and Flood Issues
- Landscape
- Ecology
- Consideration of alternatives
- Other issues

The principle of the development

The site has numerous recent planning history for waste applications (the last being in 2007, 2008 and 2009 for various alterations and new developments at the Sterecycle site). Following the closure of Sterecycle an application was submitted for temporary storage in 2015. This application is live until August 2017.

In policy terms the site is allocated for Industrial and Business purposes in the UDP and was also safeguarded as a strategic waste site in the Joint Waste Plan (adopted March 2012) under policy WCS2 'Safeguarding and enhancing existing strategic waste management sites'.

The most recent application on the site (RB2015/0358) is for a change of use of existing building to storage (use class B8) with external storage, formation of car park and temporary siting of 1 No. two storey portacabin. This has a condition restricting storage on the site for a maximum of 2 years (expiring on 7th August 2017). After this the permitted use will revert back to a recycling centre.

Waste Hierarchy and Proximity Principle

The application of the waste hierarchy is contained within Article 4 of the European Waste Framework Directive, translated into UK legislation through the Waste (England and Wales) Regulations 2011. The waste hierarchy is defined within Regulation 12 as comprising: "(a) *prevention*; (b) *preparing for re-use*; (c) *recycling*; (d) *other recovery (for example energy)*; and (e) *disposal*."

DEFRA Guidance on Applying the Waste Hierarchy identifies gasification as falling within 'other recovery' (d). The Guidance distinguishes between different forms of energy from waste technologies, such that incineration (direct combustion) is clearly differentiated from gasification. Accordingly, when applying the waste hierarchy 'gasification' falls within the 'other recovery' tier in its own right unlike incineration (which can fall within 'other recovery' and 'disposal').

At the local level the Joint Waste Plan states that by 2026, Barnsley, Doncaster and Rotherham must provide sufficient new waste management facilities to meet the capacity shortfall of around 517,000 tonnes of recycling, treatment and recovery capacity for municipal, commercial and industrial waste. Government guidance seeks for communities and business to take responsibility for their own waste in line with the proximity principle.

In this instance waste arriving to the site will come from three tiers with Tier 1 waste originating from the major waste companies and will account for approximately 60% of the waste entering the plant. It is anticipated that this would be sourced from within South Yorkshire and/or from within the 1-hour drive catchment in accordance with the proximity principle.

The applicant has also indicated that benefits of the facility include advanced technology with good environmental performance and low emissions, displacing landfill and fossil fuels, local job creation, using an existing industrial site along with lower cost renewable energy for local businesses with connections via underground cable.

The site therefore has an established use for waste purposes and the principle of a renewable energy centre is therefore acceptable in planning policy terms.

Impact on Air Quality

The main impacts from an Air Quality perspective are the emissions coming from the flue stack as well as emissions from vehicles associated with the import of waste products from the site.

Rotherham's Air Quality Officer has specifically commented on the impact on air quality in Rotherham's Air Quality Management Areas. There are several Air Quality Management Areas within the Rotherham Borough for the pollutant nitrogen dioxide annual mean, where levels are currently exceeding national standards. The Air Quality Management Area which is predicted to be subject to an impact from this proposal is the Bradgate (A629 Air Quality Management Area).

The impacts of emissions from the proposed facility have been modelled using the ADMS-5.1 dispersion model. Receptors have been identified to represent worst-case exposure at these locations. For the air quality modelling, the applicant's consultants have assumed a stack height of 100m with the most sensitive receptors being located in Bradgate, Rotherham and Tinsley, Sheffield. The installations at Blackburn Meadows and the Firth Rixon site in Templeborough are included in the assessment. For 46 residential properties in Bradgate, in the Air Quality Management Area, there is predicted to be a 'moderate adverse' impact on air quality. This is because the levels of air pollution for one pollutant (nitrogen dioxide annual mean) currently exceed the National Air Quality Standard in this location. The increases predicted in the Air Quality Management Area are, however, less than 1% of current levels.

It should be noted that if the stack height was reduced, the impact on air quality would be more significant. The applicant has provided additional justification on how 100m was proposed, indicating that *"...the emissions from the facility are modelled for a variety of different stack heights and the predicted ground-level impacts for each stack height are compared. Ground-level impacts generally decrease as the stack height increases, thus the aim is to find the lowest possible stack height with 'acceptable' ground-level air quality impacts. Typically the impacts decrease greatly with height initially, then as the stack height continues to increase the reduction in impacts slowly reduces with each additional height increment, so a fairly natural point along this curve can often be identified at which the increase in stack height ceases to be sufficiently beneficial in terms of reducing the impacts as to warrant going any higher.*

In this case the primary areas of concern regarding air quality were the Tinsley area of Sheffield and Rotherham's AQMAs. A stack height of 100m was required to ensure insignificant impacts within the Tinsley area combined with minimal adverse impacts within Rotherham, while going higher would have resulted in little further benefit in terms of reducing the air quality impacts. A lower stack would result in greater, potentially unacceptable, air quality impacts. While 100m is a tall stack the sensitive nature of the surrounding area (in terms of air quality) dictated that a stack of this height is necessary for this scheme".

In terms of the impact from transport on air quality, the Transport Assessment considered the trip generation for the two existing scenarios, i.e. the extant

permanent permission for the site and the other the current temporary use of the site. The proposed development will generate less traffic than the extant permanent permission for the site, and should therefore not have an adverse impact on roadside air quality.

Overall, Rotherham's Air Quality Officer has concurred with the supporting documentation in terms of the 100m stack height, overall operational air quality impacts of the development, along with the uncertainties in future predictions of road traffic emissions, and the worst-case assumptions applied in the dispersion modelling assessment. This element of the proposal is therefore considered to meet the guidance within UDP Policy ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution' as well as WCS6 General Considerations for all waste Management Proposals of the Joint Waste Plan.

Contamination and Pollution Control

Turning to any existing land contamination within the site associated with any previous uses, Rotherham's Pollution Control Officer has assessed the Phase I Geo-Environmental Desk Study and Site Walkover Inspection as being acceptable, subject to final conditions.

Historical maps indicate the site was farmland before becoming part occupied by a steelworks in 1916. Expansion of the steelworks occurred from the 1930's right through to the 1990's which allowed for many changes in buildings and railway tracks on site. In the early 1990's the site was largely cleared of buildings but the site remained part of the steelworks. The site was part redeveloped between 2006 and 2015 with the large warehouse in the south and yard in the north (Stereocycle).

Possible contamination may have resulted from the above historical uses on site, including made ground (comprising mine wastes, ash, slag, metals, demolition wastes, old footings and railway track ballast) total petroleum hydrocarbons (TPHs), polycyclic aromatic hydrocarbons (PAHs), heavy metals, asbestos, inorganic elements, volatiles and ground gases from potential organic waste.

The Pollution Control Officer therefore recommends a pre-commencement condition be imposed requiring an Intrusive Site Investigation, to quantify the presence and concentration of potential contaminants within the proposed development area. The results of investigations and chemical testing may reveal that remediation works may be required at the site. Intrusive investigation works should also take account of the geotechnical properties at the site given the potential extent of made ground anticipated to be present. Subject to condition, this aspect of the proposal is considered to be acceptable and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

Transportation Issues

Overall Highways England along with Rotherham's Transportation Unit concur with the conclusions of the submitted Transportation Assessment (TA).

The TA anticipates that operational traffic (some 63 No. HGV's arriving per day and a total workforce of 42 No. staff) is unlikely to have a material adverse impact on the surrounding highway network. The cumulative impact of construction traffic is considered likely to have an acceptable moderate impact during the temporary construction period (38 months) when 30 HGV's a day and some 375 No. workers at peak times are anticipated.

In this respect, RMBCs Transportation Unit note that the proposed development is likely to result in some 24 fewer arrivals/departures (all vehicles) when compared to the permanent extant development (Stereocycle). Parking provision on site (36 No. Spaces plus 2 No. accessible spaces) is adequate to cater for the 42 No. staff to be employed and will cope with shift changes. An outline travel plan has been prepared regarding the operational phase of development and a construction traffic management plan is intended to be submitted with reference to the demolition and construction phase of the project. This should include details of on-site parking for construction staff, along with measures to prevent/deal with mud in the highway.

Accordingly, the Transportation Unit along with Highways England are satisfied with the details outlined above and have raised no objections to the proposal from a highway aspect, subject to conditions. This element of the scheme is considered to conform to Core Strategy CS 14 'Accessible Places and Managing Demand for Travel' and CS 15 'Key Routes and the Strategic Road Network'.

Sheffield Council have not specifically commented on this application. However, no objections were raised during the pre-application submission in January 2016, nor to the Scoping of this planning application in April 2016.

In terms of the maximum distances of material being transported into the site, this is not something that could be easily restricted or satisfactorily conditioned within planning legislation. However, the distances travelled by operators would be constrained by fuel costs and the majority would be from within the South Yorkshire area. In addition it is also noted that the likely maximum distance of any trip is likely to be within 1 hour of the site. Consequently it is considered that the proposal would meet the 'proximity principle' as indicated within the aims of the Joint Waste Plan. This highlights that waste should be dealt with regionally wherever possible and that no particular area should either become a net exporter or waste, nor a focus for an agglomeration of waste management facilities. As indicated in the paragraphs above, the 2012 JWP identified a capacity shortfall of around 517,000 tonnes in the BDR area. This facility would go some way in addressing the shortfall.

Design and appearance on the street scene

The design of the plant shows a modern waste facility that has a bespoke design that is considered to uplift the general visual appearance of this site and is likely to be a significant improvement to the utilitarian appearance of the former stereocycle building as well as the current temporary use of the site for storage. The edges of the main buildings have been softened by the use of curved architectural features and a coloured materials palette, and all of the buildings associated with the scheme have been incorporated together to form a comprehensive design.

The street scene shows that the scale of the proposal will be large, even when compared to the size of the nearby buildings, including the Magna Centre and former Templeborough Steelworks. However, the proposal has a varied roofline and a relatively small proportion of the total scheme is 45m or above in height.

The more industrial visual aspects of the scheme including much of the external pipework details and main flue have been located within the site and have been masked within the wider design of the scheme. The more attractive design features including glazed areas and more publically accessible areas of the scheme, such

as the visitor centre, are located towards the more visible areas at the front of the site. This area is also proposed to have some landscaping and screening to further soften the appearance of the scheme.

In terms of the height of the chimney stack being 100m, the applicant has provided justification on why 100m is necessary as indicated within the Air Quality paragraphs above. In terms of visual impact, the chimney itself is a narrow structure and this would help mitigate any potentially dominant visual impact.

The Environmental Statement submitted by the applicant assesses the likely visual impact from surrounding visual receptors from points up to 2km away from the site. The ES concludes that there will be no significant detrimental visual impact on these receptors. The RMBC Landscaping Team accept the findings in the ES and this is discussed in more detail in the Landscaping and Ecology paragraphs below.

Overall the quality of the design is considered acceptable and in accordance with the general design advice advocated within Cores Strategy CS 28 'Sustainable Design' as well as WCS2 'Safeguarding and enhancing existing strategic waste management sites' and WCS6 General Considerations for all waste Management Proposals' of the Joint Waste Plan.

Impact on the surroundings and general amenity issues

In terms of the impact on the surroundings from noise and odour from the site, the closest residential properties are in the Tinsley area, approximately 200m to the South-West of the site. The nearest properties to the north are approximately 650m from the site.

The main phases of the redevelopment have been identified as having the greatest potential for adverse effects upon the existing residents of surrounding properties and are the demolition of existing buildings and site clearance, ground works and piling, construction of new buildings and installation of plant along with associated vehicle movements.

The supporting noise assessment indicates cladding to the walls and roof of the tipping hall building will have an absorptive lining providing a minimum sound reduction of 33 dB, and this building design is considered to provide a significant reduction in ambient noise levels.

The noise assessment indicates that noise levels at the nearest residential properties in Tinsley are principally influenced by road traffic travelling on the surrounding road network, both during day-time and night-time periods. The calculated levels in the assessment indicate a negligible effect when considered against the guidance contained in BS 4142 and would remain generally below the WHO limits of 40 dB LAeq at night.

In terms of odour the Tipping Hall would operate under negative pressure to draw in and contain odours with the air then fed into the ACT processing plant (gasification plant) so that it is 'cleaned' as part of the overall emissions control process before being released through the flue stack. The operational process would also be subject to the Environmental Permitting (E & W) Regulations 2010 regulated by the Environment Agency.

Overall Rotherham's Environmental Health department have raised no objections to the proposal from a noise and disturbance perspective subject to conditions. This aspect is considered to conform to UDP Policy ENV3.7 'Control of Pollution'.

Drainage and Flood Issues

A sizable proportion of the site lies within a zone 2 (medium) flood risk area (between a 1 in 100 and 1 in 1000 annual probability of river flooding). The flood risk mainly originates from the River Don, to the north-west of the site.

The Environment Agency have indicated that the proposed development is acceptable subject to the details within the Flood Risk Assessment being secured through a planning condition.

Moving to the potential for surface water flooding, the Council's Drainage Officer has indicated that the proposals are satisfactory, subject to final drainage design to be covered by planning conditions.

Ecological issues

Historically the site has always been used for industrial processes and the majority of the site has previously had buildings or hard-surfacing present on it. The amount of potential wildlife habitat present on the site is considered to be low and mainly restricted to the far northern section of the site where there is a boundary hedge between the site and the railway.

The Council's Ecologist notes that the Phase 1 habitat survey was undertaken in February (outside of the optimum time of year between April – mid October). Many plants are not evident at this time of year and much of the fauna is inactive and could be overlooked. However, in this instance it is not considered to affect this application and the Council's ecologist has raised no objection to the planning application.

Landscaping issues

In terms of the visual effects outside of the site, RMBC's Landscaping Team have confirmed that the LVIA is in line with the methodology and scope agreed in the scoping report. The methodology and technical standards described are considered to be a reasonable representation of the likely worst case effects of the scheme in the photomontages and is considered to be acceptable.

In terms of the impact on the wider landscape and townscape effects, the development site and the majority of viewpoint receptors fall within the Rotherham urban area. Some of the more distant viewpoints fall within or are on the edge of Landscape Character Areas. The effect on landscape character and more appropriately Townscape character has been considered for the construction phase, the operational phase and also the cumulative effect along with other recently completed/ consented biomass developments. The assessment has not identified any significant landscape effects which would arise as a result of the Proposed Development, either when considered in isolation or as part of the cumulative assessment and the RMBCs Landscape Team concur with the finding of the submission.

In summary, given the context of the development within an established industrial area, taking into account the overall limited adverse landscape and townscape effects, the proposal is considered to be acceptable from a visual and landscaping perspective.

Consideration of Alternatives

The site at Rotherham was chosen as having an established availability and size which was suitable for a 215,000 tonnes facility. It is also in close proximity to energy intensive industrial consumers. It is intended that the proposal will be able to offer low cost secure energy to one or more neighbouring businesses, assisting in securing the future of those companies and their employees. It has an access within an existing industrial estate which immediately joins the primary route network without the need to go through residential areas. No other viable site alternatives that met all three criteria were identified according to the applicant's supporting documents.

As indicated in the principle of development in the paragraphs above, the site is allocated for Industrial and Business purposes in the UDP and was safeguarded as a strategic waste site in the Joint Waste Plan. It is considered that this site is more sequentially preferable for a waste facility than others in the borough.

Other issues

The site would be employment generating with up to 42 full time jobs created with an additional 10 jobs indirectly connected. These would operate in a 3 shift period and are considered to be skilled jobs with the majority being accessible for local people.

It is also of note that no objections have been received from nearby residents despite a high level of local consultation having taken place in the area. This has been from both the Council as well as from the applicant through their community consultation process prior to the submission of the application.

Conclusion

The site has recent planning history for waste applications and has been safeguarded as a strategic waste site in the Joint Waste Plan (adopted March 2012) under policy WCS2. Following the closure of Sterecycle an application was submitted for temporary storage which will expire in August 2017.

The waste streams will come from within a 1 hour drive of the site, meeting the proximity principle and in policy terms the principle of a renewable energy centre is therefore acceptable in policy terms.

Overall Rotherham's Air Quality Officer has concurred with the supporting documentation in terms of the 100m stack height and operational air quality impacts of the development.

The Transportation Unit along with Highways England have are satisfied with the details outlined within the TA regarding vehicle numbers, layout, parking and

highway capacity issues and have raised no objections to the proposal from a highway aspect.

The design and visual aspects of the scheme mask much of the external pipework details and the glazed design features and more publically accessible areas of the scheme have a greater visual prominence.

The noise survey details have been assessed as acceptable by RMBCs Environmental Health department. The drainage and flood risk issues have been considered satisfactory by the Council's Drainage Officer along with the Environment Agency. The visual, landscaping and ecology issues are considered acceptable.

No objections have been raised, the proposal will generate up to 42 jobs, the site is considered to be suitable and overall the scheme is supported subject to conditions

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **11, 12, 13, 21, 23 and 24** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **11, 12, 13, 21, 23 and 24** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

The development permitted shall only be carried out in accordance with the approved drawings and documents set out in the Environmental Statement (version no. 1, Pegasus, dated May 2016) and specifications as shown on the approved plans (as set out below) (received 04 July 2016)

Drawing numbers

Site Location Plan	4238 A101 Rev P1
Site Layout Block Plan	4238 A102 Rev P2 (08 August 2016)
Proposed Roof Plan	4238 A103 Rev P1
Site Protection Plan	4238-A104 Rev P1
Boiler Room and Bunker Plans	4238-A200 Rev P1
Turbine Room Floor Plan	4238-A201 Rev P1
Education Centre, Offices and Workshop	4238-A202 Rev P1
Tipping Hall	4238-A203 Rev P1
Control Room Floor Plans	4238-A204 Rev P1
Boiler Room and Bunker Elevations	4238-A300 Rev P1
Boiler Room and Bunker Elevations	4238-A301 Rev P1
Offices and Warehouse Elevations	4238-A302 Rev P1
Tipping Hall Elevations	4238-A303 Rev P1
Turbine Room and Control Room	4238-A304 Rev P1
Elevations Proposed Water Plant	4238-A305 Rev P1
Weighbridge Gatehouse	4238-A306 Rev P1
Site Elevations and Views	4238-A401 Rev P1
Site Perspective Views	4238-A402 Rev P1

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 DRWG No: K.0166_25 SHEET: 4/4 and materials palette p26 within Design and Access Statement. The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

04

The site shall only be used for the reception, handling, recycling, treatment and transfer of waste up to a maximum of 215,000 tonnes per annum.

Reason

To enable the Local Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area and in the interests of road safety.

05

The facility will only have the following permitted hours of operation:

Importation of waste materials to and from the site from Heavy Goods Vehicles shall only be delivered between the following hours:

- Mondays to Fridays 0700-1900
- Saturdays 0700-1400
- No deliveries on Sundays and Bank Holidays.

The refinement of on site materials, gasification, shredding and other internal operations, drying fans, biofilters and dust extraction systems may be operational 24 hours a day.

Reason

In the interests of local amenity and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution'

06

Before the development is brought into use, a plan indicating the positions, design, materials and type of boundary treatment to be erected and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the first operation of the development.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy CS28.

07

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

Reason

To prevent the land becoming unsightly in the interests of the visual amenity of the area in accordance with Core Strategy CS28.

Highways

08

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

09

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

Reason

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

10

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

Reason

In order to promote sustainable transport choices.

11

Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details, which shall include on site staff parking, measures to prevent/deal with mud in the highway etc, shall be implemented throughout the duration of demolition/construction works.

Reason

In the interests of highway safety and management as well as the general amenity to the surrounding areas.

Environmental

12

Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved by the District Planning Authority prior to any commencement of works.

a) Construction work shall not commence until such a time that a Construction Management Plan detailing the operations likely to generate the highest levels of noise and dust has been submitted to and approved in writing by the District Planning Authority.

b) The Construction Management Plan shall clearly identify all plant and equipment and shall include appropriate measures for the minimisation of noise and the egress of mud and dust from the site by construction vehicles.

c) The Construction Management Plan shall incorporate measures to control fugitive emissions of dust arising from on site activities. Site contractors shall adopt this plan and the applicant shall monitor compliance against it.

d) The Construction Management Plan shall include measures to control noise and vibration arising from on site activities in accordance with BS 5228-1:2009 and BS 52282:2009 Code of Practice for Noise and Vibration Control on Open Sites. Site contractors shall adopt such a code of practice and the applicant shall monitor compliance against it. The plan shall include the use of vehicles, plant and equipment, piling operations, excavations, earthmoving and the loading and unloading of raw materials.

e) The Construction Management Plan shall specify the restrictions on times for construction activities that have been previously agreed with the District Planning Authority. These shall be adhered to at all times unless prior written consent has been obtained from the District Planning Authority.

Reason

In the interests of the general amenity of the surrounding areas.

13

Prior to the commencement of development a Site Management Plan shall be submitted and agreed by the Local Planning Authority and then carried out in accordance with the approved details for the life of the scheme.

Reason

In order to minimise any future disamenity from litter and pests.

14

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

Reason

In order to reduce the impact of the development to the surrounding areas during the construction phase.

15

Before the proposed development is brought into use an odour impact assessment having regard to the nearest sensitive receptors external to the site boundary shall be submitted to and approved by the Local Planning Authority. The report shall include:

- An identification of all possible sources of odour nuisance on site, during delivery and storage of waste and other material;
- An identification of sensitive receptors external to the site boundary;
- An assessment of the releases of odour from release points including the outlet stack and waste storage areas; and
- Details of methods / processes in place to minimise/prevent odour emissions from the site.
- The operator shall submit an odour management plan to include steps to be taken in the event of odour complaints being received.

The development shall then operate in accordance with these approved details.

Reasons

In the interests of Air Quality and amenity to the surrounding areas.

16

There shall be no illumination of the external faces of completed buildings, chimneys or external areas of the approved Renewable Energy Centre

development other than in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the operation of the facility. The submitted scheme shall show how light pollution is to be controlled, the position, height, type and power of each light and the need in safety and security terms, and the circumstances in which the light shall be activated. Thereafter the artificial illumination of the site shall take place only in accordance with the approved lighting scheme, unless with the prior written consent of the Local Planning Authority.

Reason

In order to reduce the potential for light pollution to the surrounding areas

Flood Risk

17

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for the demolition of existing buildings and erection of a Renewable Energy Centre (gasification plant) and a Mechanical Treatment Facility with associated access, parking, buildings (including a weighbridge office and education facility), plant and equipment at Sheffield Road, Templeborough, Rotherham (23 May 2016 / K115 / PFA Consulting) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 31.54m above Ordnance Datum (AOD).
- Sensitive electrical plant is set above the 0.1% scenario of 31.98 m above Ordnance Datum (AOD).
- Overland flow paths will be maintained with the design of the internal road network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

18

No building or other obstruction including landscape features shall be located over or within:-

a) 3.5 metres either side of the centre line of the 525mm sewer i.e. a protected strip width of 7 metres; and

b) 3.0 metres either side of the centre line of the 225mm sewer i.e. a protected strip width of 6 metres that traverse the site.

If the required stand-off distance is to be achieved via diversion or closure of the sewer/water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker

Reason

In order to allow sufficient access for maintenance and repair work at all times

19

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

Reason

In the interest of satisfactory and sustainable drainage

20

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority (FRA number K115 / PFA Consulting dated May 2016).

Reason

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

21

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

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

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

22

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

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

Contamination

23

Prior to the commencement of development, a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority which shall include the following components:-

1. A further detailed UXO Threat & Risk Assessment.
2. A Coal Mining Risk Assessment Report
3. Phase II Intrusive Site Investigation will be undertaken.

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

Reason

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

24

Prior to the commencement of development, a Remediation Method Statement shall be provided to and approved in writing by the Local Planning Authority. 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. Development shall be carried out in accordance with the approved 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.

25

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Ecology and landscaping

26

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

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

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

Reason

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

27

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

Reason

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

Informatives

Environmental Health

Construction and Demolition Phase

Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays.

There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

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

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

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

General

The applicant is reminded that Sheffield Road fronting the site is the responsibility of Sheffield City Council.

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	RB2016/0901
Proposal and Location	Three storey side extension with associated alterations to car parking & landscaping, Brecks Beefeater & Premier Inn, East Bawtry Road, Brecks
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as more than 6 objections have been received.



Site Description and Location

The application site relates to the Brecks Premier Inn which lies on the northern side of Bawtry Road. The site comprises a beefeater pub in the centre and front of the site and a connected Premier Inn in the eastern and northern section of the site. The Premier Inn has been extended, most recently in 2006.

There is an overspill car park along the western elevation of the site. There are also a number of protected trees that surround this and were recently protected under a TPO in 2015.

Directly to the east of the site lies a parade of shops, including a small Sainsbury's, a dance school and a snooker club. These properties have a separate parking area to the east, though this is connected to the Premier Inn car park and is subdivided by a landscaped strip. The eastern section of the car park has not been included within this application site.

Overall site levels slope down slightly from east to west and south to north. The area to the north is predominantly residential.

Background

The hotel was originally constructed in 1984. It underwent extensions and alterations in the 1990s and early 2000s and has the following recent planning history:

RB2006/0860 – Retrospective application for the display of an illuminated sign – granted

RB2006/1304 – Three storey extension to form additional bedrooms and alterations to car park – granted

Proposal

The application is for a three storey side extension that will be located on the eastern side of the existing hotel in the central area of the site and will be attached to the existing building. The extension will be for a net increase of 21 bedrooms over three floors. The restaurant capacity will remain unchanged.

The total number of bedrooms will be increased from 67 to 88. At the same time the number of parking bays will be reduced by 16 spaces in the eastern car park (from 45 to 29 spaces). The western car park will have an additional 3 spaces (51 in total), though this has a separate access from Bawtry Road and is not connected to the eastern car park. The materials and style of the extension proposed will replicate the existing hotel.

The existing car park comprises 94 spaces including 11 disabled bays. The application site area does not incorporate the eastern car park which serves the retail units to the east, though the supporting document indicates that patrons and staff are permitted to use the 19 spaces on land adjacent to the site. It is proposed to reconfigure the existing car park inside the application site to provide a total of 80 spaces. The 16 spaces adjoining the site will be available for continued use. The proposals will result in the net loss of 16 spaces.

The applicant has indicated that there is a requirement for additional rooms in the area. The existing hotel is one of the group's best performing facilities in the region, as measured by occupancy and turn-away data

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for retail purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

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

Unitary Development Plan 'saved' policy(s):
ENV3.7 'Control of Pollution'
ENV3.4 'Trees, Woodland and Hedgerows'

Other Material Considerations

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

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

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

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The application has been advertised by way of site notices (21 July 2016) along with individual neighbour notification letters to adjacent properties (14 July 2016). A total of 23 letters of representation have been received and these can be summarised as follows:

- The car park is currently very busy and reducing the existing spaces will exacerbate the current situation.
- Will there be any provision for alternative parking for the Dance School, Sainsbury's and the Snooker Hall?
- Some customers using the hotel park within the retail car park
- The proposal would adversely affect nearby businesses that may struggle to trade in future due to insufficient parking availability that will occur from displacement parking into the shopping area
- A traffic survey should be submitted
- The proposal should be built on the western side of the site

- A number of lorries and other tradespeople using the hotel occupy several parking spaces further reducing capacity
- The hotel is large enough already
- Increase in noise pollution
- Reduction in light to nearby residential properties

Two rights to speak have been requested, including the applicant.

Consultations

Streetpride (Transportation and Highways Unit) – no objections subject to conditions

Neighbourhoods (Environmental Health) – no objections

Appraisal

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

-

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

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

The main considerations of the application are as follows.

- Principle of the proposal
- Impact on the surrounding residential properties
- Impact on highway safety and future parking capacity
- Impact on visual amenity and on the surroundings
- Other issues

Principle of the proposal

The site relates to an established hotel and has previously been extended in the past, most recently in 2006.

The NPPF defines hotel accommodation as being an appropriate use within a town centre and the UDP defines this area as suitable for such uses. In addition to this, it is not considered that the proposed additional bedrooms if separated out as a 21 unit facility would be financially viable or practical as a free-standing hotel. The additional facilities, such as reception and restaurant areas are often associated with the operations of these businesses and this would require a relatively high number of rooms to provide enough critical mass to make the facilities feasible.

Overall, the principle of the proposal for additional rooms at the hotel is considered to be acceptable.

Impact on the surrounding residential properties

In terms of spacing standards the nearest residential properties are located to the north of the site in a long established residential area which is a mix of single storey and two storey dwellings.

One of the objections refers to an increase in the level of overlooking to the properties along Winlea Avenue from the additional windows along the northern elevation of the extension. In this instance the northerly facing windows are approximately 13.5m from the edge of the application site and approximately 22m to the nearest point of the side garden area with no. 23 Winlea Avenue.

The proposal is therefore in excess of the spacing standards that would normally be expected between principal elevations on new residential extensions. The proposal is well in excess of the 12 metre recommendation between a principal elevation and a side elevation and is well below an indicative 25 degree vertical alignment from 34 Winlea Avenue. These distances confirm that the proposal would not harm the living conditions of the occupiers of neighbouring properties and are in accordance with recommendations within SYRDG.

Impact on visual amenity of the surroundings

The NPPF notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The design of the extension is in keeping with the architectural appearance, style and materials of the existing hotel. The footprint and massing of the extension is considered to be relatively small when compared to the size of the existing hotel complex and is well suited for its locality.

Overall the proposal is considered to be of a good design, scale and appearance that reflects the character of the existing hotel and meets the general design advice within the NPPF.

Impact on highway safety and of future parking capacity of the car park

The objections mainly relate to car parking capacity issues and with particular concern that the existing eastern car park would be reduced in size with a further 21 bedrooms being located within the existing hotel with an overall reduced number of parking spaces available.

The applicant indicates that whilst the eastern car park is not incorporated within the application site area, the hotel (guests and staff) do have access rights to use this parking area as an overspill car park when required.

In terms of parking capacity, the applicant has provided additional information indicating that currently the site experiences parking demand below the existing maximum capacity.

A number of the objections received indicate that the western car park is not often used and that occupants of the hotel often use the eastern car park. The objections indicate that this will generate further conflict with the existing businesses within the parade of shops due to the increasing pressure on parking capacity with a decreasing number of spaces available. It is also noted that the western car park is not connected to the eastern car park and that patrons wanting to access the western car park would be required to turn 180 degrees west along Bawtry Road before going round the roundabout and entering the first entrance into the Premier Inn site.

The Transportation Unit have assessed the planning statement submitted with the current application and accept the findings of the further submitted information. *"During my further site visit I counted 51 No. spaces to the west of The Brecks PH, 45 No. spaces to the east of the Premier Inn and 19 No. spaces adjacent Sainsburys such that a total of 115 No. spaces are currently available. The development, if implemented, would retain 29 No. spaces in the car park to the east of the Premier Inn thereby resulting in a total of 99 No. spaces, a reduction of 16."*

In terms of the objections and with particular regard to the potential for patrons to displace users of the adjacent car park (and thereby negatively impact on nearby businesses) the applicant has provided additional supporting details. Whilst patrons of the Premier Inn have use of the 19 No. spaces adjacent Sainsburys, it is assumed that staff/patrons of the Sainsburys premises do not have a right to park in the Premier Inn/Brecks PH car parks. That being the case, the Brecks PH and Premier Inn would have a total of 80 No. spaces for their staff/patrons. The car parking demand survey submitted in support of the application, undertaken on a Saturday and Wednesday, indicates the combined parking demand from all adjacent users. This reveals the maximum parking demand on a Saturday to be between 1800hrs and 2000 hrs (total demand around 75 No. spaces) and on a Wednesday between 1800hrs and 2000 hrs (total demand around 98 No. spaces).

The proposed additional bedrooms (21 No.) will potentially increase parking demand and could result in on street parking in the area during these periods. However, mitigation in the form of a staff Travel Plan could reduce parking demand and a car parking management strategy could assist in making the most efficient use of the available spaces eg. a pre booking of parking spaces for Premier Inn visitors.

This information has been assessed by the highway engineer who has indicated that the Council's parking standards for commercial development are based on maximum requirements and the site is in a sustainable location in terms of access by public transport. In these circumstances no objections to the proposal have been raised, subject to conditions.

Other issues

Along the north western edge of the site there are a total of 5 protected trees that lie within the car parking area and that were protected under TPO no. 4 (2015). However, the small extension of 3 spaces proposed to the overspill parking area is at the front of the site and is set well away from the protected trees which will not be adversely affected by the proposed development in accordance with ENV3.4 'Trees, Woodland and Hedgerows'.

The site does not lie within a recognised flood risk or known Surface Water Flood Risk area and the majority of the site is currently hard surfaced. It is not considered therefore that there would be any significant potential for increased flood risk at the site.

Conclusion

The hotel is a long established building and the principle of an extension is considered to be acceptable. In design terms the proposal reflects the architectural features and appearance of the existing building and it will not cause any loss of privacy or have an overly dominant effect on the living conditions of the occupiers of nearby residential properties.

In terms of parking provision, whilst there is an overall reduction in the number on-site parking spaces, the applicant has provided additional details to indicate that the site currently has sufficient capacity even at peak times. The Transportation Unit have raised no objections on highway safety grounds.

Overall the proposal is considered acceptable 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)

(Drawing numbers PA 101, 104 Rev A, 106, 107, 108, 109)(received 04 July 2016 and 26.09.16)

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 match those used in the existing building.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

04

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

Reason

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

05

Prior to the development being brought into use, a car parking management strategy for future guests shall be submitted to and approved by the Local Planning Authority and the approved measures shall be implemented.

Reason

In order to reduce the potential for the site to displace customer parking into the surrounding parking areas.

06

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

Reason

In order to promote sustainable transport choices.

07

Prior to the development being commenced, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details, which shall include parking/turning facilities for construction staff/deliveries, site compound etc. shall be implemented.

Reason

In the interests of highway safety and to minimise congestion on the local highway network and disruption to the surrounding areas.

Informative(s)

a) The applicant is recommended not to carry out operations on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and

servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

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

POSITIVE AND PROACTIVE STATEMENT

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