

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
16TH FEBRUARY 2017**

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.

INDEX PAGE

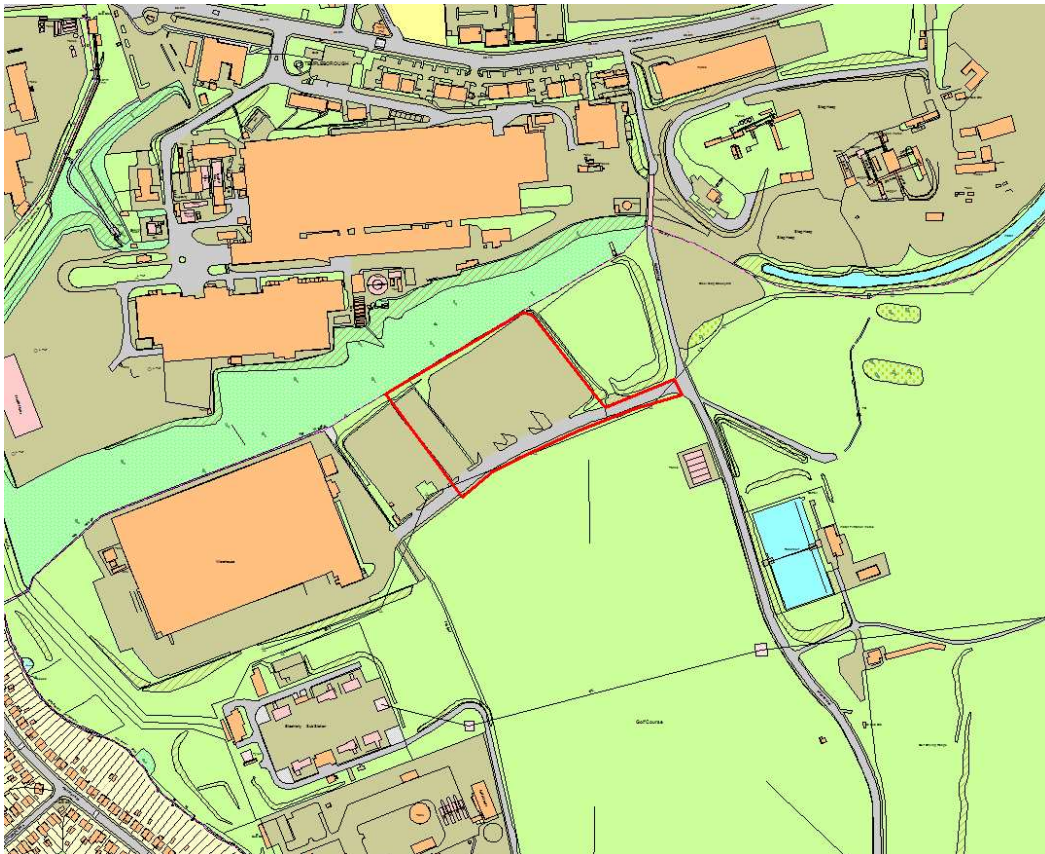
RB2016/1099 Retrospective application for use of land as storage and distribution depot for containerised goods at land off Grange Lane Brinsworth for Newell and Wright Transport Ltd	Page 128
RB2016/1178 Erection of 5 no. buildings to form 13 units for use within classes B1(c) (Business), B2 (General Industrial) and B8 (Storage and Distribution), with associated car parking at Magna 34 Sheffield Road Templeborough for Jaguar Estates	Page 141
RB2016/1419 Outline Application for the erection of 60 No. dwellinghouses with details of access (comprising of 28 No. apartments in 4 No. blocks of 3 & 4 storey buildings & 32 No. dwellinghouses with associated highways, parking & landscaping) at Dearne Valley Garden Centre Station Road Wath-upon-Deerne for Mr G Hague	Page 152

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 16TH FEBRUARY 2017

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

Application Number	RB2016/1099
Proposal and Location	Retrospective application for use of land as storage and distribution depot for containerised goods at land off Grange Lane, Brinsworth, Rotherham, S60 5AE for Newell and Wright Transport Ltd.
Recommendation	Grant subject to conditions

This application is being presented to Members of Planning Board due to the number of objections received exceeding 5, as outlined in the Council's Scheme of Delegation.



Site Description & Location

The application site comprises of a large area of hardstanding at the end of Grange Lane on the edge of the Brinsworth and Templeborough areas of the Borough.

The site was formerly part of the former Excel Logistics site who until 2007 occupied the large industrial warehouse building to the west and used the application site for parking of vehicles and for storage of containers. Since Excel Logistics vacated the industrial building, the new occupants MTL have not had any use for the application site.

The site is relatively flat and of a rectangular form, it is accessed to the north from the access road with the MTL warehouse to the west of Grange Lane. The site has palisade fencing and hedges / shrubs around its perimeter and is currently occupied by a number of shipping containers stacked a maximum of 4 high and occupying approximately 50% of the site. There is also a moveable crane on site to move the containers on and off the Lorries.

To the immediate west of the site is a large warehouse building and hardstanding, to the north is an embankment, beyond which is a large industrial site comprising of a number of buildings. To the east / north-east is a further industrial site occupied by Steelphalt and to the south and south-east is Phoenix Golf Course.

Background

The site was originally part of the larger Excel Logistics site which had planning permission for a B8 use. This part of the land was granted permission in 1993 as an extension to the site for vehicle parking and manoeuvring:

RB1993/1198 – Use of land for vehicle parking and manoeuvring area in relation to Excel Logistics warehouse – Granted conditionally – 18/11/1993

Then in 2007 the Excel logistics site was split in 2 and planning permission was granted to use the building (but not this application site) for B1(c) purposes.

RB2007/197 Change of use to light industrial (use Class B1(c)) with ancillary storage & distribution (use class B8)

This effectively split the application site from the large industrial building and land immediately around the building which is now in use by MTL.

Proposal

This application is for the use of land as a storage and distribution depot for containerised goods and has been operational since July 2016.

The site currently comprises of approximately 450 shipping containers, which covers approximately 50% of the site and are stacked a maximum of 4 high in some places (11.7 metres high).

At the time of the applications submission the proposed hours of operation were Monday 07:00 until Saturday 16:00 (24 hours), and 08:00-16:00 on Sundays and Bank Holidays if required. Up to 25 HGVs will access the site in a 24hr period (i.e. 50 HGV two-way flow), with up to 10 HGV's visiting the site at night (i.e. 20 HGV two-way flow).

A noise report has been submitted in support of the application. The assessment and report have been carried out by Hepworth Acoustics. The readings were carried out at two locations; Ferrars Road, Tinsley to the west and Bawtry Road to the south opposite the junction with Grange Lane, close to adjacent residential properties and was carried out during the daytime and night time of 29 November 2016, both with and without any noisy activity. The report states that: "The consultant carrying out the noise surveys was in constant radio contact with the reachstacker operator managing the site.

Running commentary from the site of the activity taking place allowed the precise source/activity of any audible noise from the site to be identified. Importantly, this approach also allowed all extraneous noise to be identified.”

The report further states that at Ferrars Road, “At no time was any noise from the NWT site audible. Noise impact from the site on dwellings in Ferrars Road is therefore considered extremely low and cannot be a significant factor when determining the suitability of the site for the proposals.”

For Bawtry Road the report states: “The main source of noise in the daytime at Location 2 was road traffic on the very busy Bawtry Road (A631). No noise from the NWT site was audible at this location in the daytime due to the level of road traffic noise which was 71-73dB $L_{Aeq,15min}$, with peaks in noise from passing traffic in the range of 82-102dB $L_{Amax,f}$. Background noise levels in the daytime were 57-60dB $L_{A90,15min}$ ” It further states that at night time the main noise source was traffic. It also stated: “Steady noise from fixed plant and equipment and occasional metallic impact/scraping sound at the BOC site were clearly audible throughout the night-time noise survey. During one measurement, a very brief period of higher noise level was noted during a release of air/gas which was clearly attributable to the BOC site. HGVs (engines and tonal and white noise reversing alarms) moving around the western side of the BOC site were also clearly identifiable. Noise from the BOC site at night was in fact higher than that from un/loading and HGV movements at the NWT (application) site.”

The report further states: “Noise from container swapping activities at night was sometimes faintly audible at Location 2, including the sound of the reachstacker engine and the container being lifted off or loaded onto the awaiting HGV. At times when the sound of these activities was audible it was very faint, infrequent, very brief in duration and significantly lower than the prevailing noise climate in the absence of noise from the NWT site. The reachstacker’s tonal warning alarm is used in the daytime only, and was audible at any time.

From our noise measurements and observations we conclude that noise from HGV movements and un/loading activities on the site is at least 10dB below the prevailing background (dB L_{A90}) noise level over a typical 15 minute period in the daytime or night, and was therefore ≤ 34 dB $L_{Aeq,T}$ outside dwellings on Bawtry Road.”

The report concludes by indicating that “the site can be operated without giving rise to unacceptable noise impact at dwellings.” It then states that to ensure that noise associated with the proposed use of the site is minimised the following measures be considered:

- Continue the access arrangement whereby drivers telephone the site operator to gain access to the container storage yard. If feasible MTL should be consulted if they require any HGV access to the site and the same arrangement agreed as far as practicable.
- Containers needing to be loaded at night are continued to be picked in the daytime and stored on the ground and located in a well screened position (relative to dwellings) and as far away from the southern site boundary as possible. Unloaded containers should be stored at a low level and in close proximity to their unloading position.

- Containers unloading during the night should be placed into storage in the daytime only. Careful handling of the containers is vital. The method of container handling employed during the noise surveys should be adopted for all operating hours.
- Where practicable, un/loading noise from the Kalmar reachstacker can be reduced by retro fitting soft landing sensors and rubber dampers on the machines 'twist lock'. This system uses ultrasonic sensors with an adjustable detector length to reduce and control the lift and lowering speed and will reduce noise from containers being lifted to/from storage or a HGV and onto the ground.
- If useful, a Noise Management Action Plan can be agreed with the Council to ensure that noise from the site is controlled, and if necessary requiring regular compliance noise monitoring to check that noise from the site is minimised as far as practicable. Such a plan should also provide a formal procedure for effectively recording, investigating, and managing any complaints and identifying any necessary measures needed to further reduce noise.
- The entry to Grange Lane should be surveyed, and repairs made to the road surface, which should be flat and even to remove any bumps or undulations (to reduce container rattle). Under normal circumstances, carrying out this would be the responsibility of the council or local highways authority.

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 for Industrial and Business purposes 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 15 'Key Routes and the Strategic Road Network'
CS27 'Community Health and Safety'

Unitary Development Plan 'saved' policy(s):

EC3.1 'Land identified for Industrial and Business Uses'
ENV3.7 'Control of Pollution'
T6 'Location and Layout of Development'

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

SP1 'Sites Allocated for Development'
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 accordance with both the NPPF and the Core Strategy but wait 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 site notice along with individual neighbour notification letters to neighbouring properties / businesses. Letters from 7 individuals have been received, along with a petition containing 6 signatures. The issues raised are summarised below:

- The number of vehicles entering and leaving Grange Lane has increased dramatically. As these vehicles enter and leave there is a fantastic amount of noise created by the vehicles engine and banging of the containers.
- The Lorries are working 24 hours a day 7 days a week. I have been woken many times during the night at all hours and prevented from getting back to sleep by the soon to arrive next vehicle.
- Newell and Wright have two other depots on Sheffield road which is a non-residential area.
- The combined volume of traffic from both a factory and its employees and now a container haulage company is far too great for such a small access road and is detracting from my enjoyment of my property.
- There is already far too much noise from the factory which also operates 24/7.
- Vehicles struggle to turn into and exit Grange Lane cutting over the pavement causing further noise as they land back on the road.
- The stacking of shipping containers to high level has a detrimental effect on the amenity and a very negative visual impact of the Golf Course. This is due to additional noise of the vehicles in and out of the complex and the locating of the containers as they are stacked.
- There is overshadowing and loss of light to a degree that highway safety is compromised and we have a crossing point near to the junction.
- The road has poor access not suited to these large Lorries as it is narrow and has blind corners and a hidden dip.

- The Lorries run up in large numbers day and night and spoil the amenity of the golf course users and therefore the character of the area is damaged. This will potentially also be deleterious to our business and prosperity.
- This development has been the reason for a high number of complaints from members and visitors to the Golf Course.
- Traffic flow is affected on Bawtry Road with high volume of wide HGV vehicles attempting to turn right onto Grange Lane.
- The constant rattle of HGV container wagons thundering past our homes is causing a disturbance.
- Grange Lane is being used as an overnight vehicle park and rest zone for drivers using the site.
- It is recommended that the operation be limited to an 8am start and an 8pm finish.

6 Right to speak requests have been received, 1 from the applicant and the rest from local residents and businesses.

Consultations

RMBC - Transportation and Highways Design: Have no objections.

RMBC - Environmental Health: Have no objections subject to 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.

It should be noted that the application site, along with the adjoining site and building which is currently occupied by MTL previously operated with no planning restrictions on vehicular movements and hours of operation. In fact the previous occupants of both the application site and the adjoining site which was previously used as a storage and distribution centre, created approximately 200 vehicle movements along Grange Lane per day. Furthermore, the application site itself was used for the storage of containers and vehicles in association with EXCEL Logistics operations.

The current occupants of the building and surrounding land outside of the application site is now occupied by MTL and they do not have any requirement for the application site, and do not create as many vehicle movements as EXCEL Logisitics. Accordingly, MTL have allowed the applicant to occupy the site for their storage and distribution business, involving the siting of storage containers.

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

- The principle of the development

- Impact of development on the character and appearance of the area
- Transportation Issues
- General Amenity Issues

Principle

The application site is allocated within the Council's adopted UDP Proposals Map for Industrial and Business purposes. The site is also proposed to be allocated for Industrial and Business purposes in the Emerging Sites and Policies Document and in line with policy SP1 'Sites Allocated for Development' is identified in Table 5 of the Sites and Policies Document as a site for industrial and business use (E4 (LDF Ref: LDF0023)) that will contribute to meeting requirements set out in the Core Strategy. No objections were received to this allocation during the Sites and Policies Public Consultation and the document is currently going through its Examination in Public.

UDP 'saved' Policy EC3.1 'Land Identified for Industrial and Business Uses' states: "Within areas allocated on the Proposals Map for industrial and business use, development proposals falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) will be acceptable, 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."

Emerging policy SP16 'Land identified for Industrial and Business Uses', which when fully adopted will supersede UDP Policy EC3.1 states: "Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted."

The NPPF at paragraph 17 states that planning should encourage the effective use of land by reusing land that been previously developed (brownfield land), provided that it is not of high environmental value.

With regard to the above policies and the proposed use of the site as a storage and distribution depot (use class B8), by virtue of the proposals nature, the character of the surrounding area and history of the site, it would be an acceptable and appropriate use of the land that would fully adhere to the site's land use allocation in both the current UDP and the Emerging Sites and Policies Document. In addition, the proposal has brought into use an existing brownfield land.

Furthermore, given there was no objections to the land use allocation during the public consultation process and the fact that the Sites and Policies Document is currently going through its Examination in Public, moderate weight can be given to the requirements of policy SP16 as it is more in line with the National Planning Policy Framework. Accordingly, the principle of using this site for storage and distribution purposes is acceptable subject to a consideration of the impact of the use on the amenity of local residents.

Visual Impact

The site is located at the end of Grange Lane, which runs north from Bawtry Road and bisects Phoenix Golf Course and Sports Ground which lie to the east and west. Other

industrial sites and buildings are located to the immediate west, north and east of the site with the Golf Course to the south.

The site boundary to the south and west consist of hedges, trees, shrubs and other vegetation, which screens the majority of views of the site from Grange Lane and the access road to the site and MTL. The Golf Course to the south is of an undulated topography which mainly rises up from north to south and does afford some views of the containers from certain parts of the Golf Course. It is considered that although the containers can be seen from some parts of the Golf Course, these views are limited and screened by the boundary treatment at the site and around the Golf Course, in addition the containers would be seen against the backdrop of various industrial and business sites along Sheffield Road to the south, west and east of the site, such as Steelphalt, former Brinsworth Strip Mills, former Sterecycle building and The Magna Centre.

The applicant has indicated that the containers will not be stacked more than 4 high, which equates to approximately 12 metres and which is recommended to be controlled by way of a condition.

It is therefore considered that the visual impact of the containers from the Golf Course, subject to conditions and together with the planting around the site, the character of the immediate surrounding area and land levels would not be significantly detrimental to the visual amenity of the area

Further to the above the nearest residential property on Bawtry Road is approximately 370 metres from the site. Given the distance between the site and the properties, together with the land levels and planting it is considered that the proposed use would not impinge on the outlook from these properties and would not therefore give rise to any visual impact from residential properties.

Transport

The applicant has indicated in correspondence submitted with the application that the initial operation in early July involved the movement of a number of full containers onto the site to facilitate the start of the distribution plan. The site can accommodate approximately 450 containers if stacked a maximum of 4 high. They further state that as the initial stocking surge has now been completed the daily normal routine is up to 25 vehicles in and 25 vehicles out per day (the same lorry), approximately 5 of which may be at night during Monday to Friday and no movements to and from the site after 16:00 hours at Weekends and Bank Holidays. In addition, the applicant states that the moves are on a call off basis and are varied.

Policy CS 15' Key Routes and the Strategic Road Network' states; the Key Route and Motorway network will provide efficient access between the main Rotherham Urban Area, Principal Settlements and the regional and national road network. This will be achieved by, amongst other things, concentrating through traffic on Motorways and 'A' Roads with best use being made of the existing road capacity to enable this.

The Council's Transportation Unit have stated that from the submitted details, it is noted that up to 25 vehicles (HGVs) will visit the site during a normal working day with the same number leaving the site, and whilst these vehicles will be additional to those currently generated by the adjacent occupiers, MTL Advanced Ltd., they will not result in a material adverse impact in highway terms.

The site is located in close proximity to an arterial road (A631 Bawtry Road) which links the M1 Motorway at Junction 34 in the west with Rotherham in the east, resulting in the site being in a sustainable location.

The visibility at the Grange Lane junction with Bawtry Road is limited in the westerly direction by overgrown vegetation in the highway verge, and colleagues have been requested to investigate and take appropriate action.

The parking of vehicles along Grange Lane is not a material consideration in this application, as there are no parking restrictions on either side of Grange Lane. Moreover it is difficult to determine whether the Lorries parked here are coming to and from the site or whether other haulage operators use it for their regulated stops, nevertheless there are no planning restrictions that could be used to prevent the applicants vehicle's or any other vehicle from parking along this public highway.

The issue of HGV Lorries going past properties on Bawtry Road is again a difficult issue to consider as it is difficult to determine whether the Lorries are all coming to and from the site. Bawtry Road is a busy road which links the M1 motorway, at Meadowhall with Rotherham, therefore lorries are constantly on this stretch of road, and there are no highway restrictions on what vehicle can use this road. Similar to the parking of vehicles on a public highway there are no planning restrictions that could be placed on this road or on the applicant preventing them from using this public highway.

The Lorries exiting Grange Lane and entering Bawtry Road are likely to be slow due to the turning manoeuvre, accordingly the majority of noise from Lorries is likely to come from those which being driven at a higher speed up Bawtry Road towards Meadowhall or down Bawtry Road to Rotherham where the road is undulated and would cause containers etc. to make a noise.

It is therefore considered that the proposal does not have a significant impact on the flow or volume of traffic along Grange Lane and Bawtry Road; does not significantly increase the capacity of these roads, and does not give rise to any highway safety issues that would warrant a refusal of this application.

In addition, the site is located within close proximity to an 'A' road (Bawtry Road) and the M1 Motorway at Junction 34; as such the site is within a sustainable location and provides an efficient access between the main Rotherham Urban Area, Principal Settlements and the regional and national road networks.

Amenity issues

Paragraph 17 of the NPPF states development should always seek a good standard of amenity for all existing and future occupants of land and buildings.

Core Strategy Policy CS27 states that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..." Furthermore, 'saved' UDP policy ENV3.7 states: "The Council...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: (i) is likely to give rise...to noise, light pollution, pollution of the atmosphere...or to other nuisances where such impacts would be beyond acceptable standards, Government

Guidance, or incapable of being avoided by incorporation preventative or mitigating measures at the time the development takes place...”

In respect to the use of the land and the policies and guidance detailed above, the applicant in their supporting information have indicated the proposed hours of operation are Monday 07:00 until Saturday 16:00 (24 hours), and 08:00-16:00 on Sundays and Bank Holidays if required. Up to 25 HGVs will access the site in a 24hr period (i.e. 50 HGV two-way flow), with up to 10 HGV's visiting the site at night (i.e. 20 HGV two-way flow).

Given that the application is retrospective, the Council have received a number of complaints from local residents mainly living on Bawtry Road, opposite its junction with Grange Lane, which are the closest residential properties to the site at approximately 360 metres, regarding the moving of containers on the site and the noise that the operation produces mainly during the late evening and through the night. In addition they have also raised complaints regarding the noise of Lorries and the banging of the containers on the back of the Lorries as they exit and enter Grange Lane and drive along Bawtry Road.

The Council's Environmental Health department have visited the site on several occasions including late evening and during the night in September, October and early November 2016. They have heard the noise from the container and lifter and the bang when the container is attached to the lifter, which although very short in duration is noisy because it is metal on metal. During a late afternoon visit at approximately 18:00 hrs at the end of October they witnessed approximately 7 vehicles going in and 7 vehicles going out, within a one hour period and whilst on the doorstep of a property on the opposite side of Bawtry Road adjacent the junction with Grange Lane, they clearly heard the noise from the container lifter and the metal on metal sound from the container being lifted and then placed on the vehicle and noted that it was clearly audible from the property on Bawtry Road. Therefore if it was clearly audible between 18:00 – 19:00 hrs when there is higher background noise levels from traffic using Bawtry Road etc. it is likely that there is potential for the container noise to be audible in the nearest noise sensitive receptors i.e. the properties on Bawtry Road when road noise levels are lower. .

After being notified of these concerns the applicant commissioned a noise report and also suggested that to minimise noise from site at night any containers needed to be loaded onto HGVs are now picked in the daytime and are made readily available. Unloaded containers are stored at a low level at night and then put into their respective storage location by the day shift. This approach avoids the need to move any containers other than the ones being unloaded and loaded during the night, and reduces noise to a minimum.”

The noise report submitted with the application concludes by indicating that “the site can be operated without giving rise to unacceptable noise impact at dwellings.” It then states that to ensure that noise associated with the proposed use of the site is minimised a number of measures be considered, which are listed in the Proposals section of this report although there was no indication in the report about any requirement to limit noise from vehicles entering and exiting the site and running along Grange Lane and Bawtry Road.

One of the measures outlined in the Noise Report is to reduce noise of containers being moved on site is the retro fitting of soft landing sensors and rubber dampers on the machines 'twist lock' which is subject to a recommended condition along with the implementation of a Noise Management Action Plan. The readings and calculations in the Noise Report state that with a +3dB correction which is added to the specific noise level and then subtracted from the background noise level at night, the sound level from the site is 7dB below the underlying background noise level which would result in minimal noise coming from the site. Environmental Health has indicated that whilst this will not totally eliminate the noise, it would reduce the risk of any noise from the site being excessive. It is noted that if these measures are implemented and the Council continue to receive noise complaints regarding the operations at the site then they would be investigated under the Environmental Protection Act 1990 Statutory Nuisance.

With regard to the noise of vehicles entering and exiting Grange Lane and Bawtry Road in close proximity to residential properties, British Standard 4142 cannot consider noise from road traffic vehicles and therefore cannot be considered as a sound of industrial and / or commercial nature. The only measure available to reduce the impact of the noise from vehicles is by reducing the hours of operation and the number of vehicle movements and the implementation of a Noise Action Plan.

It is noted that the previous occupant of the site (Excel Logistics) generated a larger number of vehicle movements per day as the site was used as a storage and distribution centre for Sainsbury's supermarkets. However, these lorries would have been loaded in an enclosed lorry backed up to the warehouse building and the goods enclosed within the lorry ensuring minimal banging when the lorries moved along Grange Lane and Bawtry Road. Accordingly, the current situation has generated more complaints regarding the noise of Lorries due to the open nature of the lorry and the banging of metal on metal which occurs when the lorry is driving along the immediate road network.

Although the applicant is willing to commit to the implementation of an Action Plan and provide noise reduction measures to the Kalmar reachstacker, the emphasis of these measures relies heavily on the person either in charge of the reachstacker and the person driving the vehicle and this will also only reduce noise levels at the actual site

Currently the site is open 24 hours a day Monday to Friday and reduced hours on Saturdays, Sundays and Bank Holidays.

During the 24 hours operations Monday to Friday residents have had reduced respite from the vehicular movements and container transfers due to the impulsive and impact noise from the vehicles entering and exiting Grange Lane, and the impulsive and impact nature of the noise sources continue to disturb sleep patterns of the nearby residents.

It is therefore considered that whilst the imposition of a condition relating to the retro fitting of sensors and dampers on the lifting equipment will minimise noise generated from the site, the movement of vehicles to and from the site at unsocial hours during the night will continue to have a negative impact on the amenity of neighbouring residents in respect of noise and general disturbance during the night. Accordingly, without a condition limiting the hours of operation at the site and the limit on the number of vehicle movements during that time, the adverse impact on local residents will continue and will be in conflict with paragraph 17 of the NPPF and policies CS27 and ENV3.7 of Rotherham's adopted Core Strategy and UDP respectively.

It is therefore considered reasonable to impose 2 restrictive conditions stating there shall be no vehicle movements into and out of the site or moving of containers on the site or onto any vehicle parked at the site outside the hours of 06:00 and 22:00 Mondays to Fridays and 08:00 – 16:00 Saturdays, Sundays and Bank Holidays, to help minimise noise and general disturbance to local residents at unsocial hours. Furthermore, a limit of 25 HGV movements, 50 in total (25 in and 25 out) is also recommended.

Having regard to the above it is therefore considered that subject to the imposition of conditions requiring the fitting of sensors and dampers within 1 month from the date of any permission; agreeing a Noise Management Action Plan; limiting the hours of operation at the site and limiting the number of vehicles entering and exiting the site, the scheme will not adversely affect the amenity of neighbouring residents and will comply with the NPPF, Core Strategy and UDP.

Conclusion

In conclusion it is considered that subject to the recommended conditions, the proposal will not adversely impact on the visual amenity of the area, the local highway network or the amenity of neighbouring residents. Accordingly, it is considered that the proposed development would be in compliance with the requirements detailed within the relevant paragraphs of the NPPF and adopted policies of the Rotherham Core Strategy and Rotherham UDP. As such the applicant is recommended for approval.

Conditions

01

The shipping containers stored on the site shall not be stacked more than 4 high and not exceed a height of 12 metres above the existing ground level of the site.

Reason

In the interests of the visual amenities of the area and in accordance with Core Strategy Policy CS28 Sustainable Design.

02

There shall be no vehicle movements into or out of the site and no plant / machinery shall be used for the handling of containers except between the hours of 06:00 and 22:00 Mondays to Fridays and 08:00 – 16:00 Saturdays, Sundays and Bank Holidays.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Core Strategy Policy CS27 Community Health and Safety.

03

There shall be no more than 25 HGV movements, 50 in total (i.e. 25 in and 25 out) accessing the site per day between the hours of 06:00 and 22:00 Mondays to Fridays and 08:00 – 16:00 Saturdays, Sundays and Bank Holidays, and there shall be no vehicle movements outside of these hours.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance

with Core Strategy Policy CS27 Community Health and Safety.

04

Within 1 month from the date of this permission details of the retrofitting of the mitigation measures (sensors and dampers) to the Kalmar reachstacker shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within a timescale agreed with the Local Planning Authority and they shall be maintained and operated in accordance with the manufacturer's specifications, details of which shall be submitted to and approved by the Local Planning Authority prior to installation and it shall thereafter be operated effectively during its use.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Core Strategy Policy CS27 Community Health and Safety.

05

Within 3 months of the date of this permission, a Noise Management Action Plan shall be submitted to and agreed in writing with the local planning authority. The Noise Management Action Plan shall include measures to ensure that noise from the site is controlled with regular compliance noise monitoring to check that noise from the site is minimised as far as practicable. The plan shall also provide a formal procedure for effectively recording, investigating, and managing any complaints and identifying any necessary measures needed to further reduce noise.

Reason

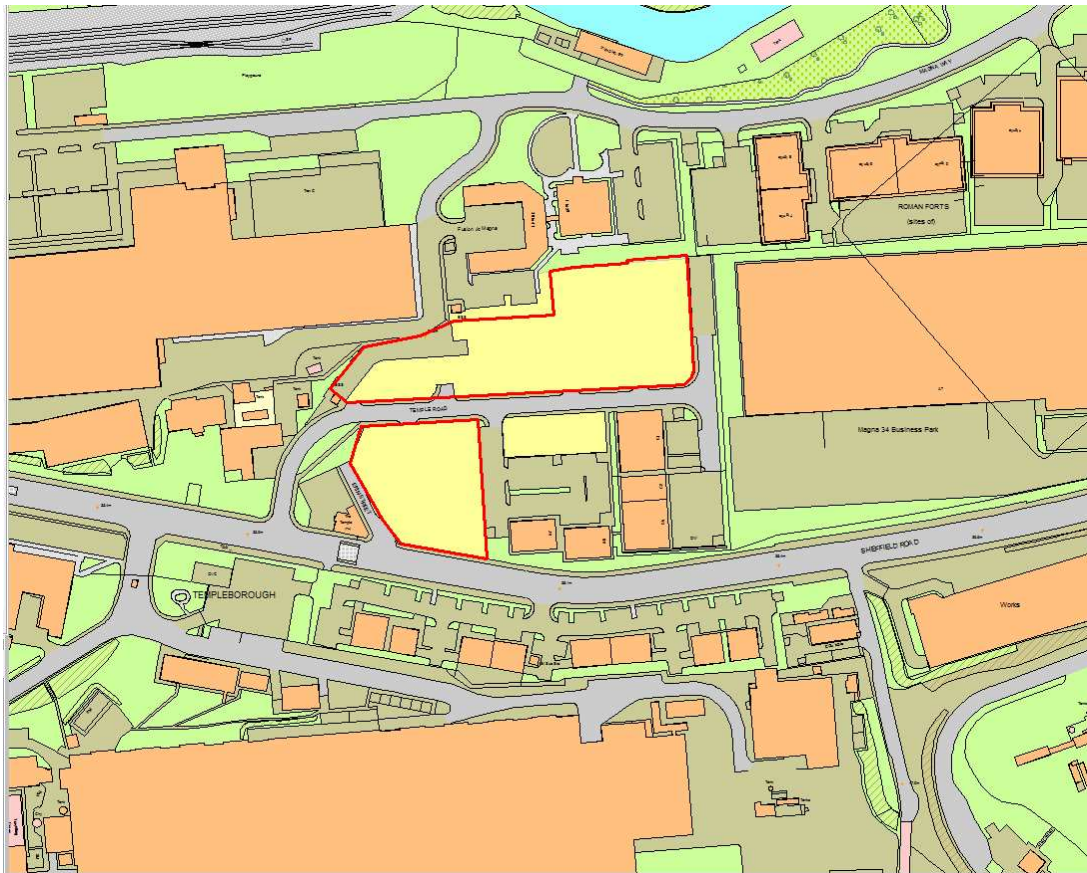
In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Core Strategy Policy CS27 Community Health and Safety.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2016/1178
Proposal and Location	Erection of 5 no. buildings to form 13 units for use within classes B1(c) (Business), B2 (General Industrial) and B8 (Storage and Distribution), with associated car parking at Magna 34, Sheffield Road, Templeborough, S60 1FG for Jaguar Estates
Recommendation	Refuse

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



Site Description & Location

The site is located to the north of the A6178 Sheffield Road, in Templeborough.

The site is split by Temple Road which is to the north of Sheffield Road and accesses the existing buildings.

On the southern side of Temple Road is a small flat piece of land that is currently overgrown and unkept. The northern part of the site is a larger parcel of land with has also been left unkept and overgrown.

The site is bounded to the north by commercial units (Fusion at Magna), to the south by Sheffield Road beyond which lies an industrial estate, to the east by Magna 34 Business Park and to the west by the Magna Science and Adventure Park.

Background

There have been several planning applications submitted relating to this site the most recent and relevant of which is:

RB2006/0943 – Erection of 10 buildings to form 20 units for use within class B1 (Business), 8 buildings to form 16 units for use within classes B2 (General Industrial) and B8 (Storage & Distribution) with associated car parking, landscaping with new vehicular access and alteration to existing vehicular access's off Sheffield Road – Granted conditionally – 30 January 2007

It is noted that some of the buildings approved under the 2006 permission have been built out and the remaining could be built out subject to the payment of additional Section 106 monies, although this application is seeking to amend the layout and would prevent the completion of the previous scheme.

Proposal

The application is for the construction of 5 no. buildings to create a total of 13 units for use within classes B1(c), B2 and B8.

The buildings would be formed of 3 terraced buildings and 2 single buildings. One of the terraced buildings would comprise 3 units and the other two would comprise of 4 units.

Unit 1A is one of the single units and is located fronting Sheffield Road, to the west of the existing units built out under the 2006 permission. It will be accessed off Temple Road via a new access; the access will also serve a terraced block of three units (1B / 1C / 1D). The rear elevation of this block will run parallel with Ekin Street.

Unit 2 is the other single unit; this unit will be accessed off Temple Road, with the front elevation facing the car park to the west of the building.

The block containing Units 3A / 3B / 3C / 3D would be sited adjacent Temple Road with its rear elevation running parallel with the carriageway. The final building would comprise Units 3E / 3F / 3G / 3H and be sited to the east of the site at right angle to the aforementioned building. Access to both will be derived from the same access off Temple Road, with car parking and turning facilities to the north the block containing Units 3A to 3D and west of the block containing Units 3E to 3H.

All the buildings will be of a similar appearance and design; they will have shallow pitched roofs approximately 6 – 7 metres high, with the elevations having a similar mix of brickwork, cladding, glazing and roller shutter doors.

The buildings are proposed to be constructed in facing brick with a combination of Microrib & Profiled steel cladding, with a profiled steel roof cladding with areas of photovoltaic panels.

A landscape scheme has been submitted which shows areas of low level shrubs and trees to complement the existing landscaping along Sheffield Road and Temple Road. This includes new shrubs and trees to the rear of Unit 1A and side of Unit 1B adjacent Sheffield Road, the rear of Unit 1B – 1C adjacent Ekin Road; and then to the side of Units 1D, 2 and 3E and the rear of Unit 3A – 3D. Additional landscaping is proposed within the parking areas.

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

Travel Plan

The Travel Plan submitted provides an update to the previously approved report under RB2006/0943 and takes into account the changes in the development proposals and provides an update on the current policy position and the existing sustainable transport facilities in the vicinity of the site.

Flood Risk Assessment

The FRA carried out by White Young Green concludes that there is a negligible risk of flooding to the site and the development will have little or no impact on the floodplain of the River Don.

Heritage Assessment

This report, prepared by ArcHeritage in accordance with requirements of English Heritage: Management of Archaeological Projects (Issue 2, 1991) is the final report on the results of the excavations.

The report concludes that: “The excavations have demonstrated that remains of the fort and *vicus* survived the construction of the Templeborough Steelworks during the First World War, but that the remains were localised to some areas and severely truncated.”

Archaeological Assessment

The assessment has been submitted as there is historical evidence of a Roman Fort and *vicus* at Templeborough. It indicates that in 2006 several evaluation trenches were excavated and showed that many of the features identified in earlier excavations had been completely removed by the steelworks’ construction.

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 for ‘Industrial and Business purposes and a new employment site (E12) on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 'Location of New Development'
CS9 'Transforming Rotherham's Economy'
CS21 'Landscapes'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC3.1 'Land Identified for Industrial and Business Uses'
ENV3.7 'Control of Pollution'
T6 'Location and Layout of Development'

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

SP1 'Sites Allocated for Development'
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 wait 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 two site notices on Sheffield Road and Temple Road, a press notice and letters to neighbouring business. No representations have been received.

The applicant has requested the right to speak.

Consultations

RMBC - Transportation and Highways Design: Have no objections subject to conditions.

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

RMBC – Drainage: Have no objections subject to conditions.

RMBC - Ecologist: Have no objections.

RMBC - Land Contamination: Have no objections subject to conditions.

RMBC - Environmental Health: Have no objections.

RMBC - Urban Design: The side and rear elevations of Unit 1a and Unit 1b – 1d are not considered to be part of a well-considered approach to the design of the buildings. It is acknowledged that the buildings should represent the proposed use and must be practical but more could be done with the variation in materials or their application that could achieve more architectural merit, and better compliment adjacent units.

Environment Agency: Have no objections subject to conditions.

South Yorkshire Archaeological Service: Have no objections subject to 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
- Scale, layout and design
- Landscape issues
- General Amenity Issues
- Transportation Issues
- Land Contamination
- Flood Risk and Drainage
- Archaeological issues

Principle

The application site is allocated for industrial and business use within the adopted Rotherham UDP and is also allocated for the same use within the emerging Sites and Policies Document, as well as being a proposed employment site. In this instance the applicant is seeking to construct 5 buildings for use within classes B1(c), B2 and B8. The proposal is therefore considered to be acceptable in land use terms and is in accordance with policy CS9 'Transforming Rotherham's Economy'; 'saved' UDP policy EC3.1 'Land Identified for Industrial and Business Uses' and emerging policy SP16 'Land Identified for Industrial and Business Uses'. The proposal is also in accordance with the policies contained within the NPPF which has a presumption in favour of sustainable development, and aims to build strong, competitive economies. In this regard the proposal is considered to be acceptable in principle.

It is also of note that the application site benefits from an extant permission under RB2006/0943 which was for a similar development for the same uses, albeit of a slightly different layout, with buildings of different sizes, scales, forms and designs to the ones hereby proposed.

Additionally and under Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015, as amended an application can be submitted for a flexible permission which allows the unit to be changed to another use under the same permission without the need for a further application within 10 years from the date of the permission. The applicant could therefore use the unit for any of the uses outlined above within 10 years from the grant of planning permission. However, following its continuous use for any single one of the uses for a period of 10 years or more, planning permission would be required for a change of use.

Scale, layout and design

The NPPF at paragraph 17 states planning should always seek to secure high quality design, furthermore paragraph 56 notes: "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."

In addition to the above policy CS28 'Sustainable Design' of the Council's adopted Core Strategy states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings...Development proposals should be responsive to their context and be visually attractive as a result of good architecture...Design should take all the opportunities to improve the character and quality of an area and the way it functions."

The proposal in this instance comprises of the erection of a 5 pitched roof steel framed industrial style warehouse buildings, with external grey cladding, some brickwork and window openings to the front and side in a prominent location on a main arterial road (Sheffield Road) into Rotherham from Junction 35 at Meadowhall, which is seen as one of the "gateways" into the Borough within a predominantly industrial and business area.

The buildings have been laid out with regard to the previously constructed access road (Temple Road) and the underground sewer which bisects the site.

The layout has changed from the previous extant permission (RB2006/0943), so too has the size, scale, form and design of the buildings proposed. The previously approved buildings which could still be built out subject to the payment of additional s106 monies were provided with sloping mono-pitch roofs and constructed with a mix of materials including steel cladding, brickwork, cedar boarding and large glazed sections.

The buildings hereby proposed are all of a similar pitched roof form and would be constructed with a mixture of brickwork, glazing and cladding of varying shades of grey, with car parking to the front accessed off Temple Road.

The buildings would be laid out with one backing onto Sheffield Road, adjacent the existing office buildings built out under RB2006/0943, a further building would back onto Ekin Road, two more would have their side elevations adjacent Temple Road and one would have its rear elevation adjacent Temple Road. There would be some landscaped areas acting as a buffer between the buildings and the roads which they are adjacent to.

The proposed buildings are of no real architectural merit and have been designed and detailed to mirror other similar large industrial / warehouse buildings to the east of the site further along Temple Road, which can be viewed from the application site and together with the application site did form part of a wider development that was approved in 2006.

It is noted that the buildings should represent their end use and must be practical, but given the site's prominent location adjacent a busy arterial road into the Borough at a key "gateway" it is considered that more could be done with the variation in materials and their form, scale and design to achieve more architectural merit with better compliments adjacent units and takes the opportunity to improve the character and quality of the area.

In respect of the buildings which form Unit 2 and Units 3a to 3h, it is considered that on balance, given they are in a less prominent location adjacent an internal access road within the wider development area, with views only accessible from this internal access road and together with the proposed landscaping, are considered to be acceptable. Furthermore, they have been designed so that the prominent elevations (front and side of Unit 2, rear of Unit 3a – 3d) have some interest by using a suitable mix of materials and features.

However, the buildings which form Unit 1 and Unit 1b to 1d are more prominent in the wider surrounding area, as they are sited directly adjacent Sheffield Road. Unit 1 whose rear elevation runs parallel with the road, albeit at a lower level and its side elevation facing west would be highly visible and Unit 1b to 1d whose rear elevation runs parallel with Ekin Street but its side (south facing) elevation would also be prominent when viewed from Sheffield Road.

During the consideration of the application, concerns about the design of the buildings were made to the applicant and some amendments have been made to provide these prominent elevations by using different shades of grey cladding and window features on rear elevations and providing a brick, cladding and glazed band around the side elevations which face Sheffield Road on both buildings. However, it is considered that given their prominence, together with their size, scale, form, design and proposed

materials, Unit 1 and Unit 1b – 1d would result in the introduction of an inappropriate form of development. Furthermore, the proposal for the reasons set out above would result in a development that has not taken the opportunities available to help improve the character and appearance of the immediate surrounding area, and would therefore have a significantly adverse impact on the character and appearance of this prominent “gateway” site.

It is therefore considered that the buildings which are listed as Unit 1 and Unit 1b – 1d would represent an inappropriate form of development, by virtue of their poor form, appearance and design that together with their prominent location would introduce an incongruous feature into the streetscene to the detriment of this prominent “gateway” site.

The proposal would therefore be in direct conflict with NPPF at paragraphs 17 and 56 and policy CS28 ‘Sustainable Design’ of Rotherham’s adopted Core Strategy and as detailed in paragraph 64 of the NPPF the application should be refused for its poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

It is further considered that the applicant’s fall-back position which is to implement the remainder of RB2006/0943 would represent a more appropriate form of development that would help improve the character and appearance of the area.

Landscape issues

The applicant is proposing new areas of landscaping, which would include new low level shrubs and trees to complement the existing landscaping carried out during the construction of the adjacent office units accessed off Temple Road. The new landscaping will consist of landscape strips to the rear and side of the units which front Sheffield Road, Ekin Road and Temple Road, additional landscaping will be provided within the parking areas at the front of buildings to break up the hardstanding.

Precise details of the size and species proposed for the landscaping areas have not been provided at this time. However, the Council’s Landscape Design team are generally satisfied with the level of landscaping proposed as it will complement the existing landscape areas, but have recommended a condition to ensure that a more detailed landscape scheme is submitted for consideration before the site is occupied, so that details of sizes and species can be agreed.

In light of the above it is considered that the proposed level of landscaping would have been acceptable and would comply with the requirements detailed within policy CS21 ‘Landscapes’.

General Amenity issues

The nearest residential properties are approximately 700 metres west of the site within Sheffield’s administrative boundary. The nearest residential properties within Rotherham are approximately 1km north-east of the site. It is also acknowledged that there are other commercial premises in close proximity of the site along Sheffield Road and the wider Templeborough area, and that the site is located close to a number of major arterial traffic routes, namely Sheffield Road and the M1 Motorway.

Having regard to this, it is considered that the proposed development would not result in any significant loss of amenity by virtue of noise pollution due to the sites location. Furthermore, it is considered that the built form of the proposed buildings would not give rise to any amenity issues.

It is therefore considered that there would be no significant loss of amenity by virtue of noise, air quality or land pollution impact and as such the proposal would comply with policy CS27, 'saved' UDP policy ENV3.7 and paragraph 17 of the NPPF.

Transportation Issues

The site will be served off Temple Road, with three new vehicular accesses being created off this internal road to new car parking areas and turning facilities.

The Council's Transportation Unit have indicated that the vehicular accesses are acceptable and would allow for the safe exit of vehicles into Temple Road, while the level of car parking and turning facilities proposed are acceptable and in accordance with the Council's Parking Standards.

Further to the above, although a Transport Assessment has not been submitted, it is considered that the increase of circa 100 trips per day generated from the site would be acceptable.

In light of the above it is considered that the proposal is in accordance with policy CS3 'Location of New Development' and 'saved' UDP policy T6 'Location and Layout of Development', and would therefore be acceptable in Transportation terms, subject to appropriate conditions.

It is noted that the previous approval required the payment of a s106 financial contribution towards the A1 Bus and junction improvements at J34 of the M1. The A1 service no longer runs through Templeborough and the signal works at J34 have been completed. There would therefore be no requirement to require a S106 financial contribution in respect of Highway / Transport improvements.

Land Contamination

Historically the site has been occupied by the Templeborough Steelworks / Rolling Mills dating back to 1916 to approximately 1999. From this date onwards the site was still occupied by a number of disused buildings until approximately 2006. Since then the land has been completely cleared and is open unused land.

As part of past site clearance works it is thought that all of the above and below ground structures associated with the former steel works were demolished as part of previous reclamation works, which included the removal of above and below ground fuel tanks.

Remediation works are thought to have been undertaken in the past as part of the overall reclamation works for the entire site. The details however of past site investigation / remediation works has not been submitted as part of this planning application.

It is considered that despite previous remedial works being undertaken a moderate risk of contamination is likely to exist from potential made ground deposits and associated

ground gases that warrant further site investigation. For this reason if planning permission is granted further site investigation works should be undertaken to assess the nature and extent of contamination in relation to potential risks to human health for the end users of the site and controlled waters.

Remediation works may be required to bring the site back to a suitable condition to be protective of human health for its proposed end use. This would need to be controlled by way of a condition on any planning approval.

Flood Risk and Drainage

The northern part of the site is located within a Flood Zone 2 and as such in line with national guidance and the guidance detailed within policy CS25 a Flood Risk Assessment has been submitted. The Environment Agency have stated that the proposed development will only meet the requirements of the NPPF if the measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition.

In addition to the above it is noted that there is a sewer that crosses the site and the layout has been designed with regard to its location and the required easement. The Council's Drainage Engineer has indicated that the drainage scheme submitted is not satisfactory but can be secured via a condition for a surface water drainage scheme to be submitted before works commence. Accordingly, the application would not give rise to any drainage issues subject to a planning condition.

Archaeological issues

This area was included in a much wider review for the "Templeborough Gateway", by White Young Green in 2004. This included a review of the archaeological potential, undertaken by Northern Archaeological Associates (NAA). The NNA review identified areas of archaeological sensitivity and this proposed development area is within one of these areas. Given this archaeological potential along with the potential for significant remediation, SYAS have recommended that a condition would be required to be attached to any planning permission requesting the submission of a Written Scheme of Investigation (WSI) which sets out a strategy for archaeological investigation and the development shall only take place in accordance with the approved WSI.

Conclusion

Having regard to the above it is concluded that whilst the principle of the proposal is acceptable and the size, scale, form, design and layout of Unit 2, Unit 3a – 3d and Unit 3e – 3h would, on balance, not adversely affect the character or appearance of the area and the whole development would not adversely impact on the highway, flood risk, drainage, land contamination and archaeological issues.

However, the size, scale, form and design of Unit 1 and Unit 1b – 1d, together with the prominent location adjacent a key "gateway" into the Borough, would have a detrimental impact on the character and appearance of the area and fails to take the opportunities available for improving these.

Accordingly, it is considered that the adverse impact of Unit 1 and Unit 1b -1d outweighs the other issues and as such the scheme would be in direct conflict with the NPPF at

paragraphs 17 and 56 and policy CS28 'Sustainable Design' of Rotherham's adopted Core Strategy and as detailed in paragraph 64 of the NPPF the application should be refused for its poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions. Therefore the application is recommended for refusal for the reasons outlined in this report.

Reason for refusal

01

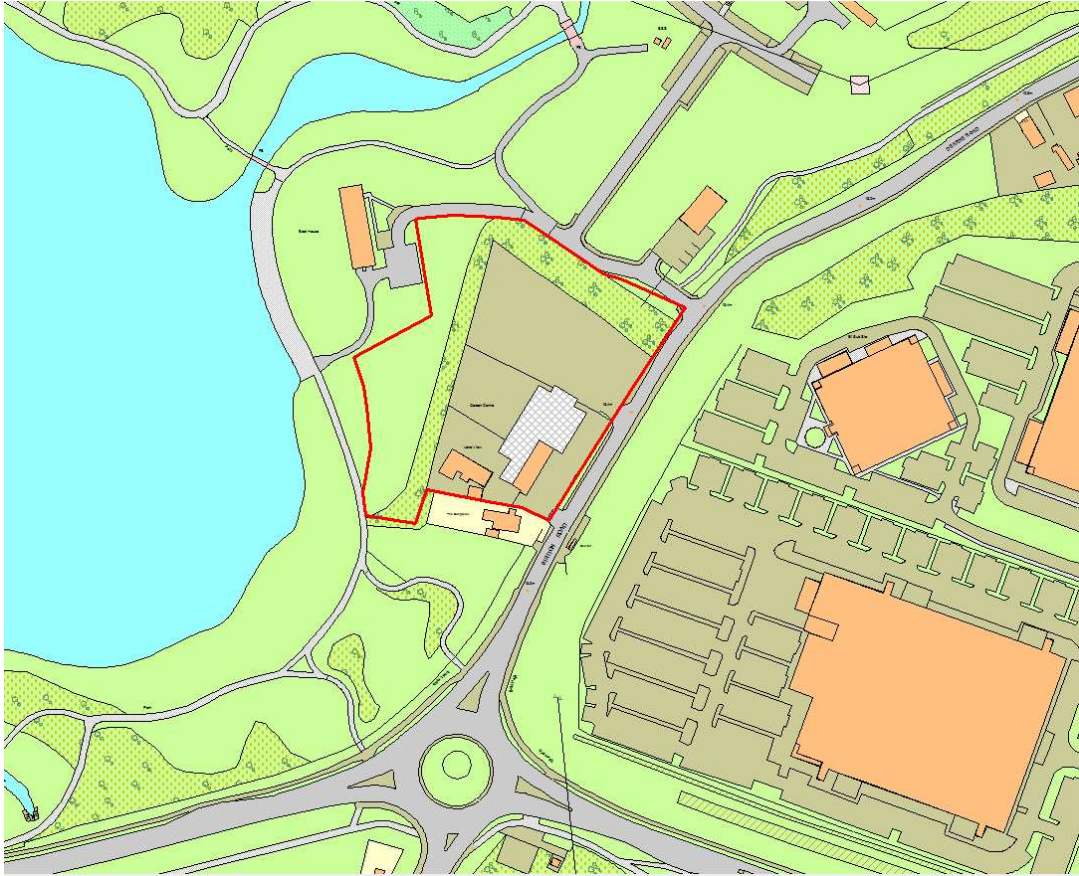
The Council considers that the proposed buildings Unit 1 and Unit 1b – 1d, would by virtue of their design and siting have a poor relationship with the site and surrounding area and would represent a poor form of development that fails to take the opportunities available for improving the character and quality of the area. Furthermore, the aforementioned buildings would by virtue of their design have little regard to the character of adjacent buildings and would introduce an incongruous feature which would detrimentally affect the character and appearance of the area and the visual amenity of the immediate surrounding area given its prominent "gateway" location. The application is therefore in direct conflict with Rotherham's adopted Core Strategy Policy CS28 'Sustainable Design' and the aims of the National Planning Policy Framework and National Planning Policy Guidance.

POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any pre application discussions with the Local Planning Authority. Whilst discussions during the determination of the application have identified a possible acceptable alternative to this proposal, the applicant has been unwilling to further amend the scheme. This was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

Application Number	RB2016/1419
Proposal and Location	Outline Application for the erection of 60 No. dwellinghouses with details of access (comprising of 28 No. apartments in 4 No. blocks of 3 & 4 storey buildings & 32 No. dwellinghouses with associated highways, parking & landscaping) at the former Dearne Valley Garden Centre, Station Road, Wath upon Dearne
Recommendation	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 25% Affordable Housing Provision • Financial contribution towards the provision of primary school places in Wath based on the formula of £2,342 per dwelling, £1,171 per apartment (50% reduction) and no contribution on the affordable units. 50% of the money payable upon 50% occupation with the remaining 50% payable upon 80% occupation. • Financial contribution of £500 per residential unit towards the provision of sustainable transport measures. • Annual payment to The Manvers Lake Trust of £4,077 towards the ongoing management and maintenance of Manvers Lake based on a formula of £0.27 per sq. metre (1.51 hectares). • Establishment of a management company to manage and maintain the on-site landscape and open spaces. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the 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 residential development.



Site Description & Location

The site is located off Station Road on the northern edge of Wath-upon-Dearne, and has an area of approximately 1.5 hectares. The site is bordered by private open space to the north, commercial/industrial buildings along most of its eastern boundary (on the opposite side of Station Road), a detached bungalow with park land to the south and a boat house and lake immediately to the west.

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

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

Background

The site has the following relevant planning history:

RB2011/1149 - Outline application for the erection of 32 No. dwellings and 4 No. buildings comprising 28 No. apartments including details of access & layout – Withdrawn – 05/10/2011

RB2012/0327 - Outline application for the erection of 32 No. dwellings and 4 No. buildings comprising 28 No. apartments including details of access & layout – Withdrawn 16/05/2012

Proposal

The application seeks outline permission for the erection of 60 No. dwellinghouses with details of access onto Station Road and the internal road layout. All other matters are reserved for future consideration.

An indicative layout has been submitted to demonstrate how the development could be accommodated on site; this consists of 28 apartments in 4 blocks of 3 & 4 storey buildings & 32 dwellinghouses. Areas of landscaping are shown along the northern and western boundaries.

The proposed development would be accessed via 2 separate access points off Station Road and comprise of 3 internal access roads each connecting to form a U shape arrangement.

The application is accompanied by the following supporting documents:

Design & Access Statement provides statements relating to the site and its surroundings, the identification of issues which have influenced the proposals and a site layout covering issues such as pedestrian and vehicular access, integration and permeability, site layout and the relationship between dwellings, pedestrian routes and car parking provision.

The Planning Statement reviews the proposals in light of current local policy and national guidance and concludes that 'there is a strong need for a new residential development with associated hard and soft landscaping; which would provide a contribution towards the councils housing quota and the opportunity to offer a sustainable design different to others already built. The scheme would work harmoniously in its setting and would enhance a local landmark of Wath Lake.'

Affordable Housing Statement confirms that 25% affordable housing provision will be provided within the site. The detail of which will be worked up in accordance with RMBC's requirements.

Transport Statement confirms that the former garden centre generated trips on the local highway network, however these were relatively few during the standard AM and PM network hours. There is a cluster of collisions at the Station Road / Manvers Way roundabout and the site is connected to Wath-upon-Deerne town centre via both footway / cycleway links, and has bus services available directly at its frontage.

Flood Risk Assessment confirms that the site does not now lie within an area shown on flood maps, floor levels will be no lower than 19.3mAOD. There is a risk of shallow flooding on Station Road close to the site.

There will be no safe access and egress to the north of the site in the event of extreme rainfall. Safe vehicular access and egress will be to the south of the site towards Manvers Way and surface water disposal will be to the public combined sewer on Station Road subject to confirmation of the disposal route by drainage survey.

Flood Evacuation Plan provides guidance and suggestions as to what to do both prior to, and in the event of, potential and actual flooding on the site.

Phase 1 Habitat Survey confirms that no badger setts or other badger field signs were identified from the surveyed area. The lake to the west may provide suitable habitat for water voles, otters and crayfish. Works will have no impact upon this water source, hence there will be no impact upon these species should they be present. No otter holts were identified within the site. Buildings were assessed to provide very low roosting potential for bats, however the site provides some potential for bat foraging activity.

Land Contamination Assessment confirms that 'the site has been occupied by houses, railway sidings, a garage and a refuse tip in the past. The current layout appeared between 1996 and 2000. The garden centre closed between 2010 and 2016. Precautions against the effects of past shallow coal mining are not considered to be necessary. No radon precautions are required for new dwellings at the site. Deep made ground and a refuse tip are expected to be present on site. Gas monitoring will be required to determine the gassing regime, however, it would be prudent to allow for Amber 1 gas precautions across the site. An intrusive investigation will be required to test the conceptual site model and provide a risk assessment with respect to contamination and to confirm the ground conditions for a foundation appraisal.'

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 also allocates the site for 'Mixed Use' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 'Delivering Rotherham's Spatial Strategy'
- CS3 'Location of New Development'
- CS7 'Housing Mix and Affordability'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS20 'Biodiversity and Geodiversity'
- CS21 'Landscape'
- CS25 'Dealing with Flood Risk'
- CS27 'Community Health and Safety'
- CS28 'Sustainable Design'
- CS31 'Mixed Use Areas'
- CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

- HG4.3 'Windfall Sites'
- HG4.8 'Flats, Bed-sitting Rooms and Houses in Multiple Occupation'
- HG5 'The Residential Environment'

ENV3.2 'Minimising the Impact of Development'
ENV3.7 'Control of Pollution'
ENV4.4 'Contaminated Land'

Other Material Considerations

Council's Car Parking Standards (adopted June 2011).

Supplementary Planning Guidance (SPG) Housing Guidance 3: 'Residential Infill Plots.'

South Yorkshire Residential Design Guide (SYRDG).

South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

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 accordance 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 was advertised in the press and by individual letters to neighbouring properties. Site notices were also erected on site. A total of 14 letters of representation has been received, 12 of which are in support and 2 offer objections. The main points are summarised as follows:

Support

- Demonstrated need for additional housing in this area;
- The proposed units represent housing for first time buyers which is a positive;
- The location is attractive, being close to the lake;
- The land should be developed for family housing;

- Finish off Wath lovely. Give the family that owns the place the chance to move forward with their lives;
- It would put some much needed life back to that area;
- The site is a fantastic place for families to live and relax with some great facilities close by.

Objection

- Adversely affect amenity of adjacent property due to overlooking and loss of privacy due to siting of Plots 1 – 6.
- The houses proposed are intrusive as a result of the design under which they run north-south and because living spaces and master bedrooms will face south are designed with large areas of glazing.
- No screening is proposed to mitigate overlooking caused by the design along the southern boundary of the site;
- The access path to the south runs directly adjacent to the adjacent bungalow which will impact on residential amenity and privacy, including an increase in noise and disturbance from pedestrians using the path to access the lake;
- The proposed development would be overbearing and have a negative impact on the amenity of the future residents;
- The proposed development would be car dominated;
- The highways report is misleading and the true statistics for collision data need to be presented to the Council;
- The proposed development would add to pressure on the existing highways and the roundabout, increasing risk of collisions;
- The increase in traffic on the highway at peak times is of significant concern taking into account highway safety concerns raised about collision cluster at the roundabout;
- The proposed development would be affected by flooding and would be highly car dependant;
- There would be a loss of open space;
- The application does not sufficiently address potential impact of the development on the possible habitat of protected species at and around the site;
- The proposed footpath should be routed to come out of the applicant's Southern boundary. Not the Western boundary as currently shown;
- Manvers Lake members and the local community swim in Manvers Lake, the water of which is extremely sensitive to pollution. We wish to see no run off pollution into our lake either during construction or post completion. There are no details of top water drainage shown, and, if drainage comes towards our lake either directly or indirectly we wish to see interceptors and maximum mitigation measures put into place as a condition of any planning consent;
- This development will be extremely attractive to developers with Manvers Lake parkland being so close, and with circa 200 residents projected they will all wish to use this and. It is vital that it is maintained appropriately and in perpetuity. The residents of this development will directly discharge onto our land for dog walking, a short cut to the shops and Wath town centre, and, we hope, many will take part in our activities. However, our maintenance bills are over £40,000 per year and rising. This is paid for by a levy on all the businesses and houses located to the North of Manvers way and by donations from the public. We would like to see a similar obligation as part of the S 106 or CIL to pay a maintenance levy towards our costs similar to that which is paid by the other houses. All the

businesses and Houses to the North of Manvers Way and to the East of the RSPB "Old Moor" site contribute via their Management Company

Following receipt of the objections, the applicant has submitted a rebuttal, which is summarised as follows:

- The back gardens of plots 1-6, have a closed boarded timber boundary fence of 1.8 metres in height; offering privacy. The development falls within the guidelines for the separation distance identified in the SYRDG; offering a garden distance of minimum of 10 metres for the proposed units and guideline separation from existing properties. Similarly after concerns being raised about the southern access path, the decision has been made to re-locate it, south west of its original position, resulting in a new location further from the objector's rear garden boundary.
- The proposal has been designed not to have an 'overbearing nature'. This has been achieved by positioning the apartments so they are set back from the access, off Station Road, and again away from the objector's property. The proposals are similar in scale and size to the other developments that have recently been built across Wath Lake.
- The proposed car parking numbers for the development is in line with the RMBC's parking standard requirements for its scale. Car parking has been provided at a level appropriate for the development.
- There are no "highway safety concerns relating to the development" for the reasons stated in Section 3.1 of the TS (i.e. there should be no change in road safety risk as the number of trips to / from the development site would not materially alter). The road safety data used in Table 2.6 (i.e. STATS19 data) is that used by all levels of government, and is based on factual information reported to the police. Given the traffic generation of the previous use, we consider no further assessment is required of routeing scenarios relating to flooding as these will not be materially different under the proposed development scenario.
- Bats: If all of the survey results, and all of the evaluation, sections 4.3, 4.4. and 4.5. are assessed as a whole, these show that adequate surveys have been undertaken to establish there is no bat roost on site and the level of foraging activity is very low. Therefore the mitigation recommended is restricted to section 5.2. which is a standard clause.
- Great Crested Newts: Please see the section below relating to reptiles, however it is worthy of note that the reptile surveys would also identify any amphibians if they were present. We have been informed and this is recorded within past habitat reports that there is no evidence of Great Crested Newts or amphibians on the site.
- Birds: This is a standard situation during the nesting season.
- Reptiles: Should the area of grassland and ephemeral/short perennial vegetation to the west of the site be cleared during works, it is recommended that reptile surveys are first carried out. We understand that the Habitat 01 report has been approved internally within the council, but if the Local Authority deem the investigation a requirement then we will happily address this.

Consultations

RMBC - Drainage

Originally raised concerns relating to the content of the FRA, however following the submission of a revised document, these concerns have been alleviated and no objections are now raised subject to the imposition of conditions.

RMBC - Education

Have confirmed that the catchment area school is Wath Victoria which has been full on offer day for the last 2 years and is currently oversubscribed by 4 pupils in Reception/FS2. The next nearest two schools are Wath CE and Wath Central which are also both oversubscribed. On this basis a request for a contribution towards the improvement of education facilities in the area is requested.

RMBC - Affordable Housing Officer

Confirms that this development will trigger the Affordable Housing policy of 25% of the units to be brought forwards for affordable housing. This equates to 15 units. The Council may consider apartments but only in whole blocks (no split tenure blocks) as well as 2 or 3 bedroom houses. The preferred tenure is for affordable rent as intermediate tenures have historically not been successful in this location.

RMBC - Transportation and Highways Design

Acknowledges that detail of the access and internal road layout are to be considered as part of this application and based on the evidence contained within the submitted Transport Statement no objections are raised subject to the imposition of conditions.

RMBC - Landscape Design

Confirm that the proposals seek to provide an attractive landscape setting, with planting styles which are considered appropriate for the site context. It is considered that the current scheme has made adequate provision to address earlier concerns. Accordingly no objections are raised subject to the imposition of conditions.

RMBC - Ecologist

Acknowledge that the application is submitted in outline form. Nevertheless regard has been given to the submitted Whitcher Wildlife report which considers the impact of the development on biodiversity within the area. Having regard to the mitigation proposed within this report no objections are raised.

RMBC - Public Rights of Way

Confirm that the site is not affected by any definitive rights of way.

RMBC - Leisure and Green Spaces Manager

Confirm that as almost half of the new properties (28/60) are apartments rather than family homes. It is therefore suggested that the requirement for equipped play is somewhat diminished. Although given that at 800m the nearest existing play area (at Wath Park) is further than we would normally expect, there is also a lot of public open space provided around Manvers Lake providing opportunities for natural play. It would appear sensible therefore for the developer to provide some s106 monies to provide opportunities for play within the area controlled by The Manvers Lake and Dearne Valley Trust Ltd..

RMBC - Land Contamination

Have stated that given the history of the onsite land uses there may be some potential for contamination to exist within the made ground and surface soils at the site. On that basis a number of conditions are recommended should planning permission be granted.

The Environment Agency

Originally objected to the proposed development on the grounds of insufficient information within the submitted FRA. Following the submission of a revised document these objections have been addressed, accordingly no objections are raised subject to the imposition of a condition.

South Yorkshire Archaeological Service

Have confirmed that the area covered by the garden centre has been affected by previous works in the late 19th and early 20th centuries. The first edition OS map (1854) shows the plot as fields, but with the railway line serving the adjacent colliery crossing the northern edge. In the late 19th century, another rail line runs along the western side of the plot. Two rows of terraced houses have been built in the south east corner. From this, it is clear that much of this plot has been heavily disturbed and any archaeological potential is likely to be low. Because of this, SYAS does not consider that any archaeological work is necessary.

Shire Group – Internal Drainage Board

Raises no objections to the proposed development.

South Yorkshire Police Architectural Liaison Officer

Suggest that the development would benefit from being built to Secure by design standards and state that public areas of open space should be well maintained.

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
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- Geotechnical & land Contamination Issues
- General Amenity Issues

The Principle of Development

The application site is allocated for Mixed Use within the adopted Rotherham Unitary Development Plan, as Mixed Use Area 03. The acceptable uses within this area include C3 Residential. Mixed Use Policy EC5 is not a saved policy in the UDP and has been superseded by Policy CS31 'Mixed Use Areas' which states 'Within Mixed Use

Areas to be shown on the Policies Map accompanying the Sites and Policies document, a variety of land uses will be acceptable’

In this regard, the Sites and Policies document is currently undergoing Independent Examination and is not likely to be adopted until December 2017; therefore the application must be considered against saved policies within the Unitary Development Plan, Core Strategy and guidance contained within the NPPF.

Paragraph 14 of the NPPF notes that: “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.’

Having regard to this, the proposed development seeks consent for the erection of 60 residential units in the form of dwellings and apartments. Use class C3 is listed within the UDP as an acceptable land use on this site and whilst it is acknowledged that Policy EC5 has been superseded by Policy CS31, the Core Strategy does not detail acceptable uses within each identified mixed use area. Therefore in assessing the proposals it is necessary to consider them in light of guidance contained within paragraph 14 of the NPPF which sets a presumption in favour of sustainable development.

In this regard, the site is located within the Manvers area of the borough where significant regeneration has taken place over the last decade. There are a reasonable range of services and facilities within the area, including shops, and employment opportunities, although these are located beyond a desirable walking distance from the site. There is however a regular bus service nearby on Station Road, providing access to larger settlements with a wide range of jobs, shops, and services/facilities such as Rotherham and Barnsley town centres.

In terms of the proposal itself, it is acknowledged that the application is made in outline only, however the indicative plans and detail contained within the Design and Access Statement suggest that there are potential strategies to improve sustainability which could be implemented in the future build, including passive and active solar design and the installation of green roofs and walls to the apartment blocks. Furthermore, the site layout has been designed to take account of the north south axis and buildings are orientated so that they may take advantage of any solar design strategies. This could be either through harnessing the sun’s energy to naturally heat the properties or through the inclusion of photovoltaics and/or solar thermal collectors.

Having regard to the above, it is established that the site is located within a reasonably sustainable location, close to nearby services and public open spaces and has good access to public transport links. The indicative layout has had regard to other sustainable elements such as solar gain and ecological benefits. Furthermore it is not considered that the proposed development would result in any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. The proposed residential development is therefore considered acceptable in principle.

Transportation issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to focus transport investment on making places more accessible and on changing travel behaviour with accessibility being promoted through (amongst others):

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport).
- b. Enabling walking and cycling to be used for shorter trips.
- f. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

Paragraph 17 to the NPPF further advises that amongst its 12 core land-use principles that planning should: "...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."

Paragraph 32 to the NPPF advises that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and decisions should take account (amongst others) 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;

Paragraph 34 to the NPPF further seeks to 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.

Paragraph 35 to the NPPF advises where practicable, developments should:

- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

Paragraph 36 to the NPPF concludes that all developments which generate significant amounts of movement should be required to provide a Travel Plan.

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

Having regard to the existing access arrangements, the former garden centre had a single point of access off Station Road, and this access is still available. When using the

access, vehicles must cross the footway for which dropped kerbs (and associated tactile paving) are provided.

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

As previously reported, the proposed development would provide up to 60 residential units in place of the recently closed garden centre and would be accessed directly from Station Road.

The tables below identify the number of trips that could be generated by the proposed development during the peak hours and for the full day in comparison to the garden centre function.

Trip Generation of the proposed 60 unit residential development

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

Trip Generation (vehicles) for garden centre (Daily)

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

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

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

Having regard to the sustainability benefits of the development, the retail centre of Wath upon Dearne is approximately 1.2km away from the existing garden centre and so is well within the walking and cycling range. This equates to an approximate 15 minute

walk (using general parameters noted in the Guidelines for Providing for Journeys on Foot, IHT 2000). The local centre offers a wide range of services including medical, shopping and civic amenities.

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

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

The proximity to existing bus facilities ensures that the site is well connected to neighbouring town and district centres. Accordingly it is considered that the site scores well in terms of sustainability and therefore complies with Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel.

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

Drainage and flood issues

Core Strategy policy CS25 'Dealing with Flood Risk,' seeks to ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. It advises that this should be demonstrated through a sequential approach and having regards to its flood zone allocation as identified via the Environment Agency's flood maps. It should accord with the recommendations set out in the Strategic Flood Risk Assessment and be supported by a detailed Flood Risk Assessment (FRA) having regard to the guidance in both the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

'Saved' Unitary Development Plan (UDP) Policy ENV3.2 'Minimising the Impact of Development,' further seeks to minimise adverse impact on the environment, including water resources.

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

At present, this report recommends that buildings levels are set at a minimum 19.30 mAOD based on current river modelling data. Minimum building levels may be reviewed when the updated River Dearne flood modelling becomes available later in 2017. There is a risk of localised flooding on Station Road close to the site which will affect pedestrian access and egress in the event of extreme rainfall. Vehicular access and egress, will be possible and this flood risk is not a development constraint

Surface water disposal will be to Wath Lake via a new outfall. Wath Lake was constructed as a balancing pond for existing development in the area. Surface water attenuation storage on the site is not required and discharge will be unrestricted. Foul effluent from the site will discharge to the public combined sewer in Station Road. Foul and surface water drainage, including underground storage, will be offered for adoption by Yorkshire Water.

The details contained within the FRA have been assessed by The Environment Agency and the Council's Drainage Engineers who raise no objections to the proposed development subject to the imposition of conditions restricting building floor levels. The proposed development is therefore considered to be in accordance with Core Strategy Policy CS25 'Dealing with Flood Risk' and Saved UDP Policy ENV3.2 'Minimising the Impact of Development.'

Landscape, Trees & Ecology

With regard to landscape impact Core Strategy policy CS21 'Landscapes,' requires new development to; "...safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development."

'Saved' Unitary Development Plan (UDP) policy ENV3 'Borough Landscape,' recognises the vital importance of maintaining and enhancing the landscape of the Borough and seeks to ensure when considering development or other proposals that full account is taken of their effect on and contribution to the Landscape.

'Saved' UDP policy ENV3.2 'Minimising the Impact of Development,' further seeks to: "minimise adverse impact on the environment... and to conserve and improve its quality."

'Saved,' UDP policy ENV3.4 'Trees, Woodlands and Hedgerows,' additionally seeks to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.

The application has been submitted in outline form only with details of landscaping reserved for future consideration. Nevertheless an indicative layout plan has been submitted which shows how the site could be developed with areas of landscaping along the northern and western boundaries. It is also proposed that all houses would have private rear gardens and their front gardens would have different trees and shrubs on the two main streets to enhance a sense of place. The apartments would have an area of shared external amenity space at the front and a shared private garden at the rear which would then link in with the existing recreational spaces and the lake. Furthermore, the visuals submitted in support of the application show the provision of green roofs and walls.

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

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

- The provision of min 10m wide landscape buffer to the north and west boundaries
- Meaningful and sustainable tree planting and landscape buffer to site frontage with Station road – 5m width;
- Introduce planting to front gardens of plot to minimise visual impact /dominance of parked cars on driveways;
- Ecological approach to planting design to enhance biodiversity and demonstrate biodiversity gain;
- Consideration given to green roofs /living walls to apartment blocks along with provision of individual growing spaces for gardens/allotments;
- Consideration of future maintenance and management of communal landscape areas;
- Security /safe design of pedestrian linkages to existing local green infrastructure network via Lakeside and Station Road.

It is considered that the current scheme has made adequate provision to incorporate these requirements and the above features are now incorporated within the proposed layout. Having regard to this the development is considered to comply with Core Strategy policy CS21 'Landscapes' and Saved' Unitary Development Plan (UDP) policies ENV3 'Borough Landscape, ENV3.2 'Minimising the Impact of Development' and Saved,' UDP policy ENV3.4 'Trees, Woodlands and Hedgerows'.

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

The NPPF at paragraph 118 advises when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by (amongst others) providing opportunities and encouragement to incorporate biodiversity in and around developments.

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

- Should vegetation be cleared or Building 3 demolished during the nesting season, which extends from March to September each year, it must be preceded by a nesting bird survey carried out by a suitably experienced person no further than a week in advance
- No bats were identified roosting in the buildings on the site. Nevertheless individual bats can seek temporary shelter almost anywhere. Therefore, it is recommended that buildings are demolished with care and in the event a bat is found, it should be covered and protected, work should cease at that location and further advice sought from the undersigned.
- Should the area of grassland and ephemeral/short perennial vegetation to the west of the site be cleared during works, it is recommended that reptile surveys are first carried out. These will involve the laying out of reptile mats to be checked seven times over a period of time in suitable weather conditions, optimally during April, May and September. Should a reptile population be identified, further recommendations will be made.

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

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

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

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

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

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

The Phase 1 report also deals adequately with the issue of newts potentially using the lake. The lake and its surroundings are accessible to members of the public. Large open bodies of water such as this invariably support fish and these predate newts, their

larvae and their eggs. For this reason, fish and newts do not normally occur in the same waterbodies. Waterbodies heavily used by waterfowl (such as this) are also known to be unlikely to be used by newts. The deep water is also likely to be cool/cold for newts. The consultants are aware of these and other reasons why newts are likely to be absent from the lake and I agree with their approach.

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

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

Geotechnical & land Contamination Issues

Saved 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."

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 a Phase 1 Geo-Technical and Geo-Environmental Site Investigation Report which provides a history to the site and identifies potential contaminants. The report further considers the expected ground conditions and their

geotechnical properties in order to outline foundation proposals to be made for the proposed residential development.

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

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

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

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

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

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

Contaminants may be present at the site and for this reason conditions requiring site intrusive investigation works should be imposed to assess for the presence and extent of contamination to confirm the potential risks to the end uses of the site and comply with the provisions of Saved UDP Policy ENV4.4 'Contaminated Land' and guidance outlined in the NPPF.

Issues Raised by Objectors

Two letters of objection have been received from the residents of the adjacent bungalow and the Manvers Lake Trust. Many of the points relating to flood risk, traffic generation and ecology have been addressed in the preceding paragraphs; however the points below consider the remaining issues.

Concerns are raised that the proposed development will adversely affect the amenity of adjacent residents due to the location and orientation of Plots 1 to 6. In this regard it is

important to note that the design, layout and siting of the proposed development is not under consideration and the layout and visuals submitted are for indicative purposes only. Nevertheless, the submitted layout shows the erection of two storey dwellings with rooms in the roofspace approximately 14m from the side elevation of the existing bungalow and providing 10m rear gardens.

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the Council's adopted SPG 'Housing Guidance 3: Residential infill plots' which sets out the Council's adopted inter-house spacing standards. The guidance states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

Further to the above the NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Having considered the impact of Plots 1 to 6 on the existing bungalow, it is acknowledged that there are habitable room windows in the side elevation of the bungalow and a small scale side extension exists on the elevation facing the proposed development, however the separation distance between the proposed and existing properties is considered to be adequate given the proposed 10m rear garden spaces and domestic scale of the proposed dwellings. It is acknowledged that the indicative layout of the proposed dwellings show the living room located in the rear of the property with large glazed doors into the garden, however the installation of adequate boundary treatment along the shared boundary with the bungalow will prevent any loss of privacy. This detail would be considered should the submission of any Reserved Matters be forthcoming.

With the above in mind, it is therefore considered that the proposed development would not have any significant impact on the existing amenity levels of the occupiers of the neighbouring property. This is because the proposal would not cause any loss of privacy or result in any overshadowing of this neighbouring property or amenity space. As such the proposal would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the SYRDG and that contained in the NPPF.

Concerns have also been raised regarding the inclusion of a proposed footpath which was shown on the original indicative layout to extend adjacent to the southernmost apartment block into the Manvers Lake land to the west. This footpath has now been re-sited away from the southern boundary of the adjacent bungalow to provide a more direct link from the apartments to the existing footpath around the lake which will also reduce the potential for any overlooking and increase in noise and disturbance resulting from members of the public using the path.

Further concerns were raised by the Manvers Lake Trust regarding the proposed northern footpath which linked the site with the access road into the lake, which does not benefit from having any footways, this has now been omitted from the scheme altogether and therefore poses no highway safety concerns relating to conflict between pedestrians and vehicles.

Planning Obligations

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

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

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

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

This is echoed in Paragraph 204 of the NPPF

Affordable Housing

Core Strategy Policy CS7 'Housing Mix & Affordability) notes at point b. that: "The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:

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

The applicant has submitted an Affordable Housing Statement in support of the application that confirms that the proposed development will deliver the required 25%. It is proposed that this may comprise of a mixture of 8 houses (2 and 3 bed houses) and 7 apartments (2 bed apartments). At the present time however the application is in outline form only and the details of the house types and tenure would need to be agreed in detail between the future developer of the site and the local authority.

The Council's Affordable Housing Officer has considered the proposal and has confirmed that the Council may consider apartments but only in whole blocks (no split tenure blocks) as well as 2 or 3 bedroom houses.

Education

The site lies within the catchment area for Watch Victoria Primary School, which has been at capacity on offer day for the past 2 years and is currently oversubscribed by 4 pupils in Reception/FS2. The next nearest two schools are Wath Church of England Primary and Wath Central Primary which are both also oversubscribed.

Accordingly, and in accordance with the Council's approved Section106 Education Contributions Policy, a contribution towards primary school provision in the Wath area is requested.

The policy sets the fee for primary school provision of £2,342 per dwelling, £1,171 per apartment (50% reduction) and no contribution on the affordable units. 50% of the money shall be payable upon 50% occupation with the remaining 50% payable upon 80% occupation.

Should the affordable housing offer be delivered as outlined above the amount payable would equate to £80,799.

Public Open Space

The proposed development does not provide any on-site public open space other than the landscaped area to the west of the site. The Council's Green Spaces Officer has confirmed that as almost half of the new properties are apartments rather than family homes, it is therefore considered that the requirement for on site equipped play is somewhat diminished.

Notwithstanding this, there is a significant amount of public open space provided around Manvers Lake providing opportunities for natural play. It is therefore considered that a contribution towards the ongoing management and maintenance of the lake and its surroundings in lieu of any on site provision is the preferred option.

Policy CS22 Green Space states that 'The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected.'

In this instance, The Manvers Lake Trust currently receive contributions from other developers in the Waterfront Estate which include Strata, Harron Homes and Aldi. This service charge covers maintenance of the lakeside parkland including grass cutting, path maintenance and litter picking etc. The current charge is £0.27 per sq. metre, which based on the application site area of 1.51 hectares would equate to an annual payment of £4,077. It is envisaged that this will be collected via the management company responsible for the maintenance of the on-site open space through individual precepts on properties.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

Conclusion

In summary, the site is located within a sustainable location and has good access to public transport links. The indicative layout has had regard to other sustainable elements such as solar gain and ecological benefit and it is not considered that the proposed development would result in any adverse impacts that would outweigh the benefits when assessed against the policies in the NPPF. The proposed residential development is therefore considered acceptable in principle.

This is an outline planning application with only the principle of the development being established along with the means of access onto Station Road and the internal road layout. It has been demonstrated that the site is within a sustainable location and that acceptable access can be provided into the site to serve a residential development of up to 60 units.

Issues such as drainage / flooding, biodiversity and land contamination matters can be suitably addressed and mitigated through the imposition of the recommended conditions

and it is not considered that the scheme as submitted would adversely affect the amenities of adjacent dwellings.

Overall the scheme is considered to be in accordance with relevant UDP and Core Strategy Policies and the general guidance within the NPPF. Accordingly, the proposed development is recommended for approval subject to the suggested conditions listed below.

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 2, 4, 5, 8, 15 & 18 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 2, 8, 15 & 18 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

- a. Application for approval of reserved matters must be made within three years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - I. The expiration of five years from the date of this permission; OR
 - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

Before the commencement of the development, details of the layout, scale, appearance and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

03

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan as set out below

Location Plan – Dwg No. 002 Rev B

Reason

To define the permission and for the avoidance of doubt.

04

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

Reason

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

05

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

Reason

In the interests of highway safety.

06

The proposed site layout shall be designed and constructed in accordance with the South Yorkshire Residential Design Guide.

Reason

In the interests of highway safety

07

Car parking shall be provided in accordance with the Councils minimum car parking standards for new residential development.

Reason

In the interests of highway safety

08

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

Reason

No details having been submitted they are reserved for approval.

09

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. 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 Policy CS21 'Landscape' and UDP Policies ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

10

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 Policy CS21 'Landscape' and UDP Policies ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

Applications for the approval of reserved matters shall include details of the sustainable technologies to be used within the development, to include green/brown roofs as part of proposals for SUDS storm water retention and attenuation, energy conservation and biodiversity gain, and a timetable for their implementation.

The proposed green/brown roofs shall cover a minimum of 80% of those parts of the roof shown to be vegetated. The green roof/living wall system shall be substrate based, incorporating a minimum of 80mm settled depth of growing medium. The growing medium shall comply with the FLL Guidelines until such time as the proposed BS EN

standard is published, when this shall apply. The roof shall be designed to provide a minimum of 60% water retention, and the roof / wall vegetation selected to maximise biodiversity.

Full details of the construction, specification, planting and maintenance shall be provided to the Local Planning Authority for approval prior to development commencing on site. The green roof / living wall vegetation shall be maintained for 5 years from the date of completion of the green roof/Living wall, and any failures within that period shall be replaced on an annual basis to the satisfaction of the local authority. The green roof/living wall shall be implemented prior to first occupation of the building.

Reason

To adequately appraise the efficiency, suitability and maintenance of the green roof technology in accordance with Policy CS30 'Low Carbon and Renewable Energy Generation' and UDP Policy UTL3.3 'Energy Conservation' and UTL3.4 'Renewable Energy'.

12

The development hereby approved shall be carried out in full accordance with the recommendations set out on Page 27 of the Extended Phase 1 Habitat Survey Ref No. 150841 dated 19th August 2015 prepared by Whitcher Wildlife Ltd.

Reason

To enhance biodiversity in the area, in accordance with the provisions of CS20 Biodiversity and Geodiversity.

13

Applications for the approval of reserved matters shall be accompanied by a biodiversity enhancement strategy which shall include measures to be implemented to ensure biodiversity is incorporated into the development.

Reason

To enhance biodiversity in the area, in accordance with the provisions of CS20 Biodiversity and Geodiversity.

14

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of any surface water run-off not drained to the lake to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off 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

Development shall be carried out in accordance with the submitted Flood Risk Assessment to mitigate on and off site flood risk. Floor levels and flood susceptible infrastructure should be a minimum of 19.3m A.O.D.

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 Environment Agency Flood Maps.

17

Prior to the commencement of development a Phase II Intrusive Site Investigation shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The investigation and subsequent risk assessment shall be undertaken by competent persons and 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.

18

Prior to the commencement of any remediation works on site, a Remediation Method Statement shall be submitted to and approved in writing by the Local 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, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in accordance with the findings identified within the Phase II Report and under a full quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

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

19

In the event that any subsoils / topsoils are required to be imported to site for remedial works, these soils shall be tested at a rate and frequency to be agreed by the Local Planning Authority to ensure they are free from contamination. The results of testing shall be presented in the format of a Validation Report.

Reason

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

20

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 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.

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.