

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 22 JUNE 2017**

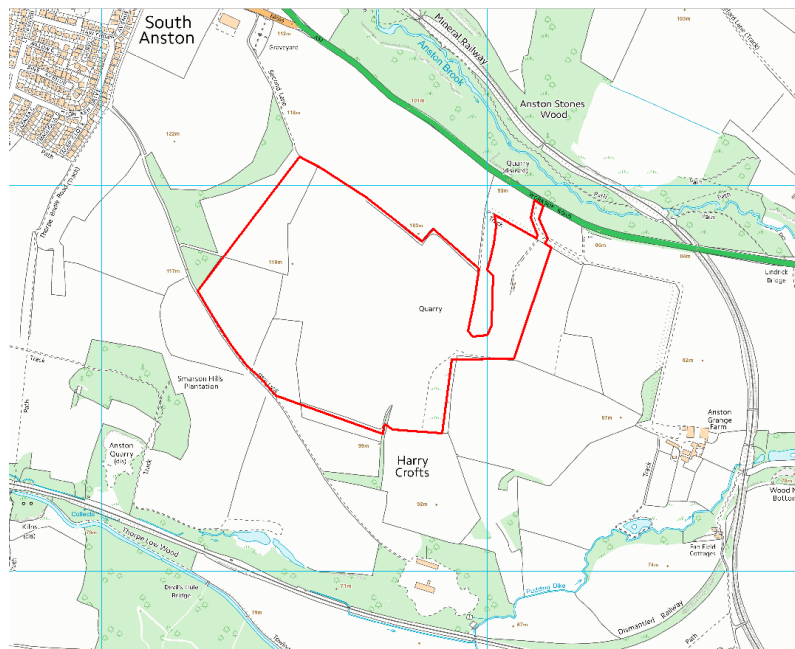
The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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Application Number	RB2016/1539
Proposal and Location	Application to vary conditions 01 (proposed plans), 02 (site restoration), 15 (restoration works), 16 (site opening hours), 17 (loading of stone), 18 (recycling), 23 (deliveries), 26 (field noise level), 28 (blasting operations), 29 (blasting charges), 33 (topsoil & subsoil workings), 34 (controlled skipping), 36 (restoration work), 37 (graded tipped surfaces), 40 (trees, shrubs & hedgerows), 41 (phase plans) imposed by RB2010/1308 at Harrycroft Quarry, Worksop Road, South Anston
Recommendation	<p>A) That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> A contribution of £10,130 towards traffic management measures. <p>B) Consequently upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to conditions.</p>

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



Site Description and Location

Harrycroft, a limestone quarry operated by Tarmac, has been operated such that phased extraction and restoration (with imported inert materials) takes place. The quarry is currently not being worked as works ceased on site more than twelve months ago. It was last worked along the western face.

Access to the site is via the A57, which lies to the north, and then a concrete access road into the site, which continues as an unsurfaced road to the reception area.

Two statutorily protected sites of special scientific interest (SSSI's) lie close to the site, Anston Stones Wood to the north and Lindrick Common to the east. The area to the south of the site has been defined as an area of "Known Interest Outside Protected sites." The quarry is located on and surrounded by agricultural land.

The nearest residential properties are on Hawthorn Avenue, South Anston (1.3 Km to the west) and Anston Grange Farm (400 metres to the south east). The properties at Lindrick Dale are 700 metres to the east but are screened from the site by the topography between.

A Public Right of Way (Anston Footpath No. 14) crosses the site and a temporary diversion around the quarry workings is in place.

Background

Mineral extraction has taken place at Harrycroft Quarry, the only Limestone Quarry within the Borough boundary, since the original grant of planning permission in 1960. Subsequent permissions have extended the time period for working the minerals on site and subsequent restoration, as well as the area of working. The relevant planning permission for the current quarry workings and restoration by infilling with imported material was granted in March 1996 (RB1995/0154) and was time limited, quarrying to cease in 2008 and restoration to be completed by 2016.

The infilling operations were the subject of a waste management license granted in 1991 which has now been superseded by a Pollution Prevention and Control permit issued in September 2006.

Two applications were submitted in November 2001 to amend the scheme of restoration and develop an aggregate recycling facility. These were granted on appeal on 4 April 2003 (reference RB2001/1546 and RB2001/1547 respectively).

An application to allow the continuation of the recycling operation at the quarry until April 2008 was granted on 22 June 2006 (RB2006/0584). All recycling activities on the site have now ceased.

A temporary permission to allow the importation of road planings for a 3 month period, to coincide with improvement works to the M1, was granted on 10 November 2005 but was not implemented (RB2005/1040).

An application for the extension of the life of the site, for limestone extraction and recycling (until end of 2016) and restoration of the site (to be completed by end of 2018), including details of phasing, was submitted in November 2006 (RB2006/2094). This application was recommended for approval but was refused at the Council's Planning Board. An appeal was submitted which was subsequently allowed, subject to conditions, in April 2009.

Finally following a pause in work on site due to the recession, an application was submitted for the variation to condition 6 imposed by RB2006/2094 to amend the

required period for the submission of a revised scheme for the restoration of the site should mineral extraction/waste infill cease for a period in excess of twelve months (RB2010/1308). This was granted conditionally on 21st December 2010 and the current application looks to amend various conditions on this permission.

The previous applications have been Environmental Impact Assessment developments and have been accompanied by Environmental Statements and such a Statement has also been submitted with the current application, due to the nature of the proposals and size of the application site under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Proposal

An assessment of remaining reserves at the quarry indicate a permitted reserve of 2.55 million tonnes, which at typical output levels of 200,000 tonnes per annum will take around 15 years to recover. For the last five years since the 2010 permission was granted limited extraction and sales have taken place at Harrycroft due to the economic recession reducing demand for construction materials. The company had to tailor its output to match those lower levels of demand. However there has now been a gradual increase in demand in the region which means that the already permitted mineral is now needed to assist in meeting product orders.

The applicant indicates that the recycling operations on site would continue within the 25,000 tonnes per annum limit of the existing permission for the duration of the revised extraction/restoration scheme and that there is no proposal to extend the quarry outside of the current approved boundary. Limestone production levels will remain at up to 300,000 tonnes a year, and inert infill material will continue to be used in the progressive restoration of the quarry floor. Nearly 700,000 cubic metres of material is required to achieve the final restoration scheme. The principles of the currently approved restoration scheme will be followed to provide a mixture of agricultural and conservation end uses.

Many of the variation to the conditions are procedural and relate to changes in the approved condition numbers, rather than fundamental changes.

It is therefore proposed to vary Conditions 1 and 2 of the planning permission to extend the time periods for extraction and restoration from 31 December 2018 to 31 December 2031 for extraction and to 31 December 2033 for restoration.

In addition to the above Tarmac propose to make variations to the approved working scheme, phasing plans and scheme of restoration to take account of certain ecological circumstances on site. In this regard, it is also proposed to vary conditions 15, 17, 18, 23, 26, 29, 33, 34, 36, 37, 40, and 41 to take account of the changes in plan numbers. As a result of the public exhibition, the application also includes for the creation and use of a new long term route for Public Right of Way (Anston Footpath 14) which integrates with the proposed restoration landform.

Furthermore, and again following on from feedback from the public exhibition, the application includes for the proposed restriction on the operational hours for the operation of primary plant and equipment via a variation to Condition 16. Finally, the application also proposes the withdrawal of rights under Condition 28 of blasting on Saturdays.

The application has been submitted with a number of supporting documents, many of which form the Environmental Statement for the proposed development. These include the following:

Assessment of Environmental Impact of Blasting

The submitted assessment recommends the following:

Ground Vibration - Inhabited Property

- We recommend that a ground vibration limit is chosen that, not only is perfectly safe for the integrity of structures, but also takes into account the physiological effects on adjacent neighbours. As such we recommend a vibration limit of 6 mms⁻¹ peak particle velocity at residential property. The limit of 6 mms⁻¹ is in line with the current planning conditions at Harrycroft Quarry, is successful current practice at numerous similar open pit workings within the United Kingdom, and also agrees with the relevant British Standards 6472-2: 2008 and BS 7385-2: 1993.

Air Overpressure

- Our considerable past experience of air overpressure measurement and control leads us to the firm conclusion that it is totally impracticable to set a maximum air overpressure limit, with or without an appropriate percentile of exceedances being allowed, simply because of the significant and unpredictable effect of variable weather conditions. This point is recognised by the DETR publication The Environmental Effects of Production Blasting from Surface Mineral Workings and British Standard 6472-2: 2008.
- With a sensible ground vibration limitation the economics of safe and efficient blasting will automatically ensure that air overpressures are kept to reasonable levels.
- We therefore recommend that in line with the current best accepted modern practice in the extraction industries that safe and practical measures are adopted that ensure the minimisation of air overpressure generated by blasting at source, considering such factors as initiation technique. The mineral operator should submit methods to minimise air overpressure to the Mineral Planning Authority for approval.

Monitoring and Control

- The mineral operator should design blasting operations taking into account the findings of this report. Should mineral extraction operations recommence at the site, the first blast shall be deemed a test blast from which a site specific regression line shall be derived, it is this site specific line which should be interpreted when designing blasting operations at the site. When blasts are designed at the site the separation distance to the closest vibration sensitive receptors should be established to ensure that the maximum instantaneous explosive charge weight utilised will comply with the relevant vibration criterion.

- Upon any recommencement of mineral extraction operations, the programme of blast monitoring should be continued. The results of such monitoring will indicate whether or not there is compliance with the vibration criteria and they can also be used to continually update the regression analysis and thus provide valuable input to the design of future blasts.
- With the above control recommendations implemented and the exercise of reasonable engineering control over quarry blasting operations, it is envisaged that the quarry will work within the vibration criteria and without undue annoyance to local residents.

Ecological Impact Assessment

- The Proposed Development is the extended use of an already existing quarry with variations of approved schemes of working and restoration. The application will have a minimal negative impact on the site as it is currently of such low ecological value. The restoration scheme will provide a significant improvement of the habitat on the site for the benefit of all wildlife and will enhance the overall ecological value of the site.
- In addition to retaining boundary hedgerows the restoration scheme includes for the provision of:
 - Retained rock faces.
 - 1.1Km of new hedgerow planting.
 - Two new areas of woodland planting.
 - Fourteen new Great Crested Newt Mitigation Ponds to be managed for the lifetime of the quarry.
 - Large areas of enhanced terrestrial habitat including hibernacula for great crested newts.
 - Retained and managed grassland and scrub areas.

All other areas will be returned to arable farmland

Bat transect surveys of the site confirm that there is a small population of common bat species that forage on the site and particularly in sheltered areas and along the hedgerows around the outside of the site. The works will therefore result in no impact on Roosting bats but a Minor Negative Impact of Local Importance on foraging bats. As mitigation, approximately 1,100m of new hedgerows will be planted using locally sourced native plant species during the restoration stage. In addition, fourteen new ponds are to be created and these will generally result in an increase in the number of insects on site for the bats to feed on.

Transportation Assessment

- Future access would be via the existing Quarry access on the A57 Worksop Road, which has been designed for regular use by heavy goods vehicles. The access would be removed on completion of the restoration operations at the Quarry.
- The Quarry is expected to employ around 5 operational staff who would generate a small number of traffic movements. In any event, these trips are

unlikely to take place at peak times due to the shift patterns of the Quarry and are considered insignificant in the context of this assessment.

- Staff are encouraged by Tarmac to travel to site sustainably wherever possible, mainly through shared travel arrangements.
- The main impact from the Quarry on the surrounding highway network would be due to haulage vehicle movements, although traffic generation from all elements of the site operations is expected to be very low at approximately 8 haulage vehicle movements per hour (4 in/ 4 out) on average – up to a maximum of 13 haulage vehicle movements per hour (6.5in/ 6.5 out). These are typically expected to split 75% to/from the west and 25% to/from the east.
- A review of baseline highway conditions concluded that:
 - Harrycroft Quarry has good existing access arrangements direct to the A57, which is the main strategic highway route in the area and links the Quarry to all of its key markets.
 - The A57 has been significantly improved in recent years to the east of M1 Junction 31 to upgrade a former single carriageway section to dual carriageway.
- Existing traffic flows on the A57 are high, although significantly below past peak levels.
- There are no apparent traffic accident trends that would be of concern in the context of continuation of an existing approved quarrying operation; and:
- Overall, the local highway network is appropriate for Quarry traffic.

Noise Assessment

This indicates in summary the following:

- Site noise calculations have been undertaken for five locations, taken to be representative of the nearest noise sensitive premises to the proposed recommencement of site operations. The calculated site noise levels are presented for inspection and comparison with the existing and suggested site noise limits at those locations.
- The calculated overall “reasonable worst case” site noise levels for routine operations on site are at or below the suggested site noise limits at all receiver locations considered when the rock drill is not operating on the uppermost rock head within 650 metres of South Anston.
- The use of the rock drill at the highest elevation can be addressed by considering rock drilling during the campaign mineral extraction to be a temporary operation subject to a higher site noise limit of 70 dB LAeq, 1 hour free field for the periods in which the rock drill is operating on the uppermost rock head within 650 metres of South Anston. The rock drill is expected to be in use no more than 40 days per year.

- Since the proposed operations on site conform to the advice set out in the Planning Practice Guidance with regard to routine and temporary operations and the existing night time noise limit for RAP/construction and demolition waste delivery and tipping, it is considered that the site can be worked while keeping noise emissions to within environmentally acceptable limits.

Landscape and Visual Impact Assessment

- The Proposed Development (the Operational Period and the residual restoration) is very similar to the consented scheme and complies with the requirements of the specific planning policies relating to effects on the landscape and visual amenity.
- Adverse and beneficial effects will result from the Proposed Development, with the numerous beneficial landscape and visual effects being experienced permanently and phased in progressively and the adverse effects being temporary in absolute terms.
- The Short-term duration of adverse effects could be considered, in overall terms, to at least be balanced out, and probably outweighed, by the permanent landscape and visual improvements that could be brought about by the Proposed Development to the Site and the surrounding area.

Archaeological desk based Assessment

- Archaeological evidence so far recovered from the area covers a considerably wide time-frame, from the late Upper Palaeolithic to the present day. The archaeological potential of the study area can therefore be considered as particularly diverse.
- Walkover survey identified no significant archaeological features. Although the southwest quarter has not been fully quarried away, all of the surface is disturbed and the soil overburden has been removed, indicating that the archaeological potential in this area is low. The strip of land between the quarry and the access track does not appear to have been quarried, but the hummocky ground and the presence of hard standing suggests that disturbance has taken place and that the archaeological potential for this area is also low. Proposed extension areas to the west were under arable cultivation at the time of site visit. Although no features of potential archaeological interest were observed this area is otherwise undisturbed and will have higher potential. None of the rock faces that could be seen contained any caves or fissures that could act as sediment traps and contain archaeological remains from past human use or material washed into them.
- Worthy of weighing up against the archaeological potential is a statement made by Doncaster Metropolitan Council in its 2013 'Local Aggregate Assessment'. The document states that Harrycroft has been identified as a 'historic source of building material for prestige buildings and is therefore a likely source of architectural and dimension stone for heritage restoration projects'. The quarry is understood to be providing dimension stone to

nationally significant projects. The quarry therefore has potential as a heritage asset in its own right.

Flood Risk Assessment

- A number of surface water management measures will be incorporated into the development of the site to ensure that the surface water flood risk to and from the site is appropriately mitigated. The proposed restoration of the site will provide a landform similar to the surrounding land.
- The proposed quarry workings at Harrycroft are considered appropriate in accordance with NPPF and therefore it is anticipated that this can be delivered safely in regards to flood risks.

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 application site is allocated for Green Belt purposes in the UDP, and is further identified within a High Landscape Value Area, Surface Mineral Working area and Buffer Zone. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belt'
CS15 'Key Routes and the Strategic Road Network'
CS20 'Biodiversity and Geodiversity'
CS26 'Minerals'
CS27 'Community Health and Safety'

Unitary Development Plan 'saved' policy(s):

ENV1.2 'Development in Areas of High Landscape Value'
ENV2 'Conserving the Environment'
MIN5 'Criteria in the Assessment of all Mineral Extraction Proposals'
MIN6 'Methods and Control of Working'
MIN7 'Recycling'
MIN8 'Advance Extraction'

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

Publicity

The application was advertised by way of neighbour notification letter, site notice and in the press. 12 letters of objection have been received including one from Anston Parish Council. A petition objecting to the application has been signed by 120 people. Objections raised are:

- The weekly blasting will result in damage to nearby properties.
- The proposal will result in excessive highway movements on the busy A57, through South Anston.
- There is no justification to extend the mining for another 15 years.
- The quarry generates excessive mud and dust onto the adjoining A57.
- The proposed working hours beginning at 6am is unacceptable.
- The proposal is detrimental to noise and air pollution.

Anston Parish Council state that:

- There could be a huge impact on wildlife (the nearby SSSI location hosts protected species).
- The South Yorkshire Bat Group confirmed that Bat Swarming is an unusual phenomenon and only happens in a couple of locations in South Yorkshire to their knowledge, Anston being one of them. The unused quarry supports roosting bats and is very close in proximity to an SSSI site.
- There were concerns relating to the proximity to and inevitable impact upon a SSSI site
- Concerns relate also to the impact on traffic volume, condition of the roads and road safety.
- Concerns relate also to the impact on neighbours /residents who have complained in the past about dust in their homes.

Ward Member – Councillor Jepson has further made representation in summary stating:

- The proposed working/blasting times should be no earlier than 7.30 am due to the close proximity of houses in South Anston.
- Access/ingress to the site. This stretch of road is now a 50 mph clearway and it will be extremely difficult for HGV's to pull out into the traffic flow to go both west (South Anston) and turn right to go east (Worksop) and also again to turn right in to the site when returning from the west (South Anston). A

new traffic management system is required for the site as the volume of traffic along the A57 has increased significantly since the quarry was last worked. Some years since.

- The A57 from South Anston through to the borough boundary is in poor condition and requires major resurfacing works to cope with the increased traffic from the site.
- The volume of traffic through South Anston and the surrounding villages will increase with all the additional HGV journeys that will be generated if the predicted numbers are met. The existing village road system at South Anston is not equipped to cope with this.
- The number of accidents shown in the Traffic Assessment is not correct. There is no mention of a major incident in 2014 (probably as there were no reported injuries other than the driver and no other vehicles were involved) when an HGV crashed into the bridge at Lindrick Dale. This caused major delays and diversions through the surrounding villages for two/ three days until it was cleared.
- The existing traffic lights at South Anston crossroads require replacing as a matter of urgency. Any system failures will lead to major traffic delays and disruption to traffic flow all the way from Gateford (Worksop) back to the M1 at Aston. A new pedestrian crossing/subway is required to improve pedestrian safety across this stretch of road which effectively cuts the village in two.
- The Traffic Assessment submitted by the applicant is not up to date
- The detrimental effect on Anston Stones Wood (SSSI) once quarrying operations start again.

In addition a Local Bird group (SK58 Birders) has written in supporting the application due to all the different habitats being created and subject to the following:

- Part of the existing cliff face will be retained on completion and during current working operations for the current Peregrine Falcons, Barn and Little Owl and Jackdaws.
- Provide and retain nesting areas and small Wader scrapes for the breeding Little Ringed Plovers on completion of the work and while the work is being carried out.
- Retain an area on completion of the work and while the work is being carried out for the population of Marble White butterflies.

The Local Ward Member, Anston Parish Council and one objector have requested a right to speak, as well as the applicant.

Consultations

RMBC – Transportation and Highways Design: Accepts the conclusion in the Transportation Assessment (TA) that the extension of the operational life of the quarry to the end of 2031 would not have a significant highway impact. The TA outlines that an average of 200,000 tonnes per annum (300,000 tonnes maximum) of limestone reserves would be extracted with the restoration requiring the import of some 40,500 cubic metres per annum on average of inert material (110,000 cubic metres maximum). Recycling operations on site would continue within the 25,000 tonnes per annum limit of the existing permission. Traffic generation from

all elements of the site operations will average 8 haulage vehicle movements per hour (4 in/4 out) up to a maximum of 13 movements per hour (6.5 in/6.5 out).

Whilst the TA concludes also that no mitigation measures are considered necessary, the Transportation Unit do not share this view. Some of the existing "junction ahead warning signs" in the A57 are in need of replacement due to their poor reflective properties, with suitable passively safe posts. This would involve also the cutting back of vegetation to improve motorists' forward visibility to the signs. The estimated cost of this work, which includes the required traffic management measures, is £10,130. This should be secured by a S106 Agreement.

RMBC – Rights of Way

Public Footpath No.14 in Anston runs through the development site. As the definitive line cannot be reopened a temporary closure has been placed on the path and an alternative route offered around the site. The Council has been in discussions with the applicant who we have advised the temporary closure can only be in place for 18 months and they need to apply for a permanent diversion of the route to take it around the opencasting area.

RMBC –Environmental Health: Notes that there is potential for noise, dust and vibration from the proposals to nearby residential properties even though no noise complaints have been received since 2006. Road traffic and vehicle movement on site including sirens/reversing beepers will increase noise levels in the area as the production levels increase at the quarry in order to meet demand.

In the light of the above, it is recommended that if planning permission is granted in relation to this application, the same conditions as application RB2010/1308 are incorporated, as well as a condition requiring the operator to submit methods to minimise air pressure to the Local Planning Authority for approval prior to commencing operations on site.

RMBC – Ecology: Raises no objections to varying the conditions. However the parts mentioned in the scoping document which appear not to have been completed such as the Phase 2 vegetation survey, invertebrates and assessment of cliffs for birds, bats (and plants) should be undertaken and could be conditioned.

RMBC – Drainage: Raises no objection subject to the scheme being carried out in accordance with the submitted Environmental Statement and Flood Risk Assessment.

South Yorkshire Archaeology Service: No objections.

South Yorkshire Mining Advisory: No objections.

Environment Agency: No objections

Natural England: Has no comment to make on the application.

Derbyshire County Council – No objections

Appraisal

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

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

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

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

- The principle of development
- The implication on neighbouring amenity
- Impact upon traffic and highway safety
- The impact on ecology/biodiversity.

The principle of development

The site is within the Green Belt and Core Strategy Policy CS4 'Green Belt,' states: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy".

Policy ENV1.2 'Development in Areas of High Landscape Value,' states that: "Development other than agriculture will only be allowed where it will not result in a significant and permanent adverse impact on the landscape and adds that strict control will be exercised over any development that does take place to ensure that the visual character of these areas is not affected."

Paragraph 90 to the NPPF 90 notes that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include (amongst others):

- mineral extraction
- engineering operations

Paragraph 142 to the NPPF adds: "Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation."

UDP Policy MIN5 'Criteria in the Assessment of all Mineral Extraction Proposals,' states: "Proposals for mineral working will be assessed with regard to the following considerations:

- (i) (the effect on local amenity in terms of visual impact, blasting, dust, noise and other potential disturbance, taking into account any protective measures which are proposed,
- (ii) the likely duration of working,

- (iii) the proposed final appearance and landform of the site,
- (iv) the effect on landscape, including areas of High Landscape Value, attractive villages and Borough heritage sites,
- (v) the effect of working and restoration (especially where waste disposal is involved) on water resources, including pollution and possible disturbance to surface drainage and groundwater levels. It will be expected that waste disposal is evaluated as a mechanism for restoration and that it is adopted, wherever feasible and Page 170 compatible with the intended after-use and environmental considerations,
- (vi) the impact on the best and most versatile agricultural land. Where minerals development is proposed on such agricultural land involving restoration to agricultural use, the objective will be to restore this land to its previous agricultural quality or better if reasonably practical. Amenity or forestry may be appropriate alternatives to agricultural use, but in such cases restoration and aftercare steps should enable the retention of the land's longer term potential as a high quality agriculture resource,
- (vii) the amount of agricultural land take, with release of land being restricted to that which is reasonably required for carrying out the working in accordance with the best existing techniques,
- (viii) the suitability of restoration and aftercare proposals to return the development site to a beneficial after-use once working has ceased,
- (ix) the effect on farm structure, the likely effectiveness of restoration proposals and the effect on agricultural productivity by reason of noise, dust or traffic disturbance, both of the land the subject of the proposal and adjoining agricultural land,
- (x) the effect which traffic generated by the proposal will have on road safety, property and the amenities of the people living in the vicinity of the development, or along the transportation routes likely to be used,
- (xi) the availability or provision of adequate access to a suitable highway, and
- (xii) the potential for non-road transport opportunities, the use of canal, rail, pipeline or conveyor facilities being encouraged in order to reduce disturbance caused by road traffic, wherever physical and economic factors permit."

UDP Policy MIN6 'Methods and Control of Working,' states: "Surface mineral working will be required to be carried out in such a way as to minimise its impact on the locality and to secure an appropriate form of restoration to a suitable standard within an agreed timescale. The operator will be required to carry out development in accordance with an agreed scheme of working and restoration which will be approved as part of the grant of planning permission, and to have regard to the Council's Supplementary Planning Guidance on methods and schemes of working and restoration."

UDP Policy MIN7 'Recycling,' states: "The Council will encourage the recycling of aggregates, fuel recovery, and the wider use of waste materials as substitutes for mineral products wherever this is feasible and where it can be carried out in an environmentally friendly manner."

UDP Policy MIN8 'Advance Extraction,' states: "The Council will, wherever practicable, safeguard viable mineral resources from sterilisation by surface development, or will permit the minerals to be extracted before surface development takes place. Where any form of development is to be permitted in a location where surface mineral reserves are workable, then, subject to appropriate environmental safeguards being met, it will be expected that the mineral reserves will be extracted in advance of the development wherever this is feasible and where the resultant landforms will be compatible with the intended after-use."

In addition, the Core Strategy identifies the site as an area with permission for 'Surface Mineral Working Limestone' and 'Waste/Controlled inert waste.' Core Strategy Policy CS26 'Minerals,' under the section relating to 'Limestone Aggregates' states: "Provision will be made to ensure an appropriate contribution towards the sub regional apportionment figure for crushed rock (identified in the Local Aggregate Assessment) for the plan period and jointly with Doncaster Council will aim to maintain a minimum land bank equivalent to ten years' sales."

Preferred Areas for the future working of limestone aggregates will be suitable extension(s) to the existing Harry Crofts Quarry. Proposals for new quarries or extensions to existing quarries will be considered with regard to the need to maintain the land bank in accordance with national policy, and whether they are necessary to maintain apportioned provision for South Yorkshire."

The limestone from Harry Croft Quarry is required to meet both Regional and local needs and is the only such quarry within the Borough. Such demand for limestone cannot be satisfied by recycled materials and the continuation of extraction is thus needed if the Council is to contribute towards regional aggregate totals. If extraction at the site is not continued, then there would be a need to look at alternative sites elsewhere.

The principle of the quarry on site has long been established and was upheld at appeal in 2009 and the application proposes a comprehensive restoration program which will restore the site gradually and provide additional wildlife benefits. As such it is considered that any harm to the Green Belt will only be temporary.

With the above circumstances in mind it is considered that the principle of the development is acceptable and in accordance with the UDP and Core Strategy Policies and the advice within the NPPF. The further implications of allowing the extended timescale for the scheme are now considered.

The implication on neighbouring amenity

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.

Core Strategy Policy CS27 'Community Health and Safety,' notes: "Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality."

New development should be appropriate and suitable for its location. Proposals will be required to consider the following factors in locating and designing new development:

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability.
- b. Public safety and health risks directly arising from in-situ operations, past mining activity, and/ or from potential indirect or cumulative impacts on surrounding areas, sensitive land uses, and the maintenance of healthy functioning ecosystems.
- c. The impact of existing sources of pollution and the potential for remedial measures to address problems of contamination, land stability or air quality.”

UDP Policy ENV3.7 ‘Control of Pollution,’ states “The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which; (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water...”

The NPPF at paragraph 123 further notes that planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.”

The area is predominantly rural in nature with sporadic residential properties being in proximity to the south and east of the site. The highest concentration of residential properties are located to the west further away at some 1.3Km distance, however prior to extraction ceasing at the site these properties were historically the source of complaints relating to both noise and vibration from the quarrying process i.e. blasting.

In considering the impacts upon the surrounding properties a blasting / vibration assessment has been conducted in accordance with BS 7385-2 1993, BS5228-2: 2009 + A1:2014 and makes reference to Minerals Planning Guidance MPG 9 and 14 and in particular to limits on the time of blasting and ensuring limits are not exceeded and methods to be employed minimising air pressure.

The report indicates that the prediction and control of vibration levels is used by incorporating a scaling approach utilising separation distances and instantaneous charge weights which the report uses to calculate the possible effects on nearby residential properties. The report notes that the site extracts limestone resources from Permian magnesium limestone formation using traditional shot firing techniques.

In respect of assessing the impact of vibration through blasting upon amenities of nearby residents the report notes blasting would take place no more than three times per week between the hours of 11.00 and 12.00 and 14:00 and 16:00 on Mondays and Fridays and not at all on weekends, or public holidays. This

application has changed from that previously consented under application RB2010/1308 as it now negates the need for Saturday blasting operations.

The report acknowledges that the use of explosives to remove aggregates will, even when well designed, generated a certain amount of energy in the form of ground and air borne vibration and further notes blasting has not been undertaken at Harrycroft for a number of years, although during that time of inactivity, the principles of blast design have remained unchanged. The report further outlines each blast event is individually designed to take into account factors, including the position in the quarry, geology and the rock face height.

The submitted report further indicates that for the purposes of assessing impact upon neighbours an assumed 15m high quarry face with a loading density of 12kg per metre and 4 metre of stemming which gives rise to an explosive charge weight of 132kg being calculated. In reality, the typical face height at Harrycroft is of the order of 18m and the instantaneous explosive charge weight used in a blast event has in the past been of the order of up to 143kg.

In taking account of the above, it is not considered that there is any significance in variance between the calculated and previously used explosive charges in this case to give additional concerns with regards to future blasting.

However, in order to address the need to minimise annoyance to nearby residents, a criterion for restricting vibration levels from production blasting has previously been adopted at 6 mms^{-1} at 95% confidence level and conditioned under the previous RB2010/1308 application, and the below table sets out the predicted vibration levels likely to be experienced at the four sensitive locations based upon an explosive charge weight of 132kg.

Location	Vibration Level Peak Particle Velocity (mms^{-1})	
	Closest Approach to Property	
	Mean (50%)	Maximum (95%)
First Lane	2.8	4.3
25 High Ash Dv	1.4	2.2
Lindrick Dale	0.4	0.6
Anston Grange Farm	0.9	1.4

In conclusion even with a potentially higher explosive charge weight used in a blast event of up to 143kg, the blasting undertaken as part of the revised proposals is considered to be of a low order of magnitude so as not to be of detriment to residential amenities and Environmental Health consider that with the imposition of the revised condition in regards blasting hours and regulation of ground vibrations not exceeding those imposed previously between 6 mms^{-1} at 95% confidence level and 12 mms^{-1} measured at the ground surface adjacent to the nearest property to the blast then no objections are raised.

With respect to air over pressure caused by blasting, the submitted report does identify that it is totally impracticable to set a maximum air overpressure limit, with or without an appropriate percentile of exceedances being allowed, due to varying

weather conditions. To which Environmental Health having considered such a matter notes that in line with current best accepted modern practice in the extraction industries that safe and practical measures should be adopted so as to ensure the minimisation of air overpressure generated by blasting at source. Again it is considered that such an issue can be covered by the imposition of a suitable condition.

On the matter of noise, the submitted noise assessment references to the advice both in the NPPF and the NPPG and indicates that the applicants envisage (subject to demand) extraction over a period of six to eight weeks up to 4 times per year. Mineral processing will be by means of a mobile processing plant which will be located in the base of the working as close as possible to the working face and blasted rock pile, moving as the working face advances.

The report notes that processing plant will be brought on to site for each extraction period then removed with exportation of processed mineral occurring throughout the year, whilst the Recycled Asphalt Planings (RAP) / construction and demolition waste recycling operation on site is to remain as currently consented in the southern area of the site with the recycling plant also operated on a similar period as to when sufficient material has been stockpiled. Infilling and restoration of the void will be carried out progressively with the restoration operations following extraction as closely as possible.

In considering the above, the report acknowledges that at the five nearest 'sensitive' locations the impact upon these receptors and the "reasonable worst case" site noise levels for routine on site and temporary operations (including the existing night time noise limit for RAP/construction and demolition waste delivery and tipping) are at or below the suggested site noise limits so as not to cause undue detriment. A rock drill would however need to be used on average some 40 days per year during mineral extraction on the uppermost rock head within 650 metres of South Anston and this would conform to a site noise limit of 70 dB LAeq, 1 hour, free field at dwellings.

Overall it is considered that with the revised conditions regarding blasting operation hours along with the imposition of similarly worded conditions to those under the previously consented extraction under RB2010/1308 the proposal accords with Core Strategy Policy CS27 'Community Health and Safety,' UDP Policy ENV3.7 'Control of Pollution,' as well as the advice within the NPPF and the NPPG.

Impact on traffic and highway safety

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

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development

should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

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

Core Strategy Policy CS15 ‘Key Routes and the Strategic Road Network,’ seeks that: “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:

- a. Concentrating through traffic on Motorways and ‘A’ Roads with best use being made of the existing road capacity to enable this.
- b. Improving specific Key Routes to manage congestion including traffic management measures, bus priority and facilities for cyclists and pedestrians.
- c. Integrating Park and Ride projects into bus priority schemes where they create a demonstrable reduction in vehicle mileage and are proven to be self financing.
- d. Concentrating road based freight onto those key routes where it would not have an unacceptable impact on local communities.

Investment in key routes will be complemented by improved links for public transport, walking and cycling into the communities they serve. Where a key route passes through a community or acts as the main transport link between communities, it will be modified to reflect the needs of local people with priority given to accommodating vulnerable road users”.

In this instance the limestone can only be extracted from this location and this has to be taken into account when considering the traffic implications.

The Transportation Assessment (TA) submitted with this application has been reviewed and the Council accepts its conclusion that the extension of the operational life of the quarry to the end of 2031 would not have a significant highway impact. The TA outlines that an average of 200,000 tonnes per annum (300,000 tonnes maximum) of limestone reserves would be extracted with the restoration requiring the import of some 40,500 cubic metres per annum on average of inert material (110,000 cubic metres maximum). Recycling operations on site would continue within the 25,000 tonnes per annum limit of the existing permission. Traffic generation from all elements of the site operations will average 8 haulage vehicle movements per hour (4 in/4 out) up to a maximum of 13 movements per hour (6.5 in/6.5 out).

Whilst the TA concludes also that no mitigation measures are considered necessary, the Transportation Unit does not share this view. Some of the existing “junction ahead warning signs” in the A57 are in need of replacement, due to their poor reflective properties, with suitable passively safe posts. This would involve also the cutting back of vegetation to improve motorists’ forward visibility to the signs. The estimated cost of this work, which includes the required traffic management measures, is £10,130. The applicant has agreed to the imposition of a S106 to secure improvements to road signs.

The extension of the lifetime of the quarry is therefore considered to be acceptable in highway safety terms and the local road network can accommodate the demand. As such the proposal would satisfy the provisions Core Strategy Policy CS15 'Key Routes and the Strategic Road Network,' and paragraphs 32 and 34 of the NPPF.

The impact on ecology / biodiversity

In assessing the ecological / biodiversity issues, Core Strategy Policy CS20 'Biodiversity and Geodiversity,' states that the Council will conserve and enhance Rotherham's natural environment and that resources will be protected with priority being given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets.

UDP Policy ENV2 'Conserving the Environment,' states: "In considering any development, the Council will ensure that the effects on the wildlife, historic and geological resources of the Borough are fully taken into account. In consultation with the relevant national agencies and local interest groups, the Council will ensure the protection of these resources while supporting appropriate development which safeguards, enhances, protects or otherwise improves the conservation of heritage interests.

The Council will only permit development where it can be shown that:

- i. development will not adversely affect any key environmental resources,
- ii. development will not harm the character or quality of the wider environment, and
- iii. where development will cause environmental losses, these are reduced to a minimum and outweighed by other enhancements in compensation for the loss."

The NPPF further requires at Paragraph 118 that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;

- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”

The applicant’s supporting information describes the site as having low ecological value. The Council’s Ecologist accepts that this may be true now but this reflects a long history of quarrying and of intensive modern agriculture. The site is surrounded by sites of high ecological value such as Anston Stones Wood SSSI and Lindrick Golf Course SSSI as well as several local wildlife sites. Since Harry Crofts Quarry is also located on the same magnesian limestone as these wildlife sites, the likelihood is that with a lack of human intervention, over time, this area too could have been of equal value.

With sympathetic habitat management, some of this interest can be restored. The calcareous grassland areas are amongst the most important habitats and these should be retained and suitably managed (which is part of the restoration proposals). Soils on magnesian limestone are typically thin and nutrient poor and the Council’s Ecologist would therefore not support the import of large quantities of topsoil, heavy use of fertiliser, use of purchased seed mixes, etc. He would prefer the restoration to use the soils stored on site and where seeds required, they should be harvested from local wildlife sites. Sheffield & Rotherham Wildlife Trust could help in this and in ongoing management. For the areas restored to a nature conservation after-use, use of ryegrass is not appropriate because it is competitive and leads to relatively sterile areas of low ecological value. He considers that natural re-generation of vegetation in some areas at least would be beneficial.

The Council’s Ecologist would also advocate areas of irregular topography, leaving compacted/bare areas and leaving bare limestone cliffs. As well as habitat for rare nesting birds, the latter can also be good for plants since it is difficult for sheep, rabbits and deer to graze these. A habitat assessment of the cliffs principally in relation to nesting birds and bats is mentioned in the scope (para 3.2.5) but does not appear to have been done, as such a condition has been attached requiring further survey work.

As such it is considered that with the mitigation measures as suggested and that once restored, overall the site will be of significant ecological / biodiversity benefit and therefore in accordance with Core Strategy Policy CS20 ‘Biodiversity and Geodiversity,’ ‘saved’ UDP Policy ENV2 ‘Conserving the Environment,’ along with the advice as set out within the NPPF.

Conclusion

The principle of the quarrying on this site has previously been accepted and the application to vary conditions and extend the mineral extraction until December 2031 is acceptable. The proposal retains a comprehensive restoration following the end of mineral extraction, which will have potential ecological gains. Furthermore it is preferable to have the minerals quarried from the site and then the site restored, rather than sterilising the minerals which are there.

As such subject to the signing of the S106 agreement and the imposition of the suggested conditions it is recommended that planning permission be granted.

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 7, 43 and 44 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 7, 43 and 44 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

The permission hereby granted shall be carried out only in accordance with the details and specifications indicated on the plans presented in the Environmental Statement, and in accordance with details submitted October 2016. Mineral extraction shall be completed by 31 December 2031 and ongoing progressive restoration by importation with inert waste materials shall be completed by 31 December 2033.

Reason

To limit the extent and duration of the permission in the interests of amenity and to permit the land to be restored/redeveloped in accordance with Policies MIN 6 of the adopted Unitary Development Plan.

02

No later than 31 December 2033 referred to in Condition 1 above, mineral extraction and restoration works (excluding aftercare) shall have ceased and the site shall have been restored, treated and brought to a state suitable for agriculture in accordance with the conditions set out below and as shown on the approved restoration Plan Ref H321/00007.

Reason

To limit the extent and duration of the permission in the interests of amenity and to permit the land to be restored/redeveloped in accordance with Policies MIN 6 of the adopted Unitary Development Plan.

03

A copy of the approved scheme of tipping/restoration/after care and a copy of this planning permission shall be available for inspection by site operatives and contractors working on the site at the site office at all times.

Reason

For the avoidance of doubt, and to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

04

Not less than seven days notice shall be given in writing to the mineral planning authority before any soil stripping and/or replacement commences. Top soil, sub soil, and soil making material shall only be stripped, spread or worked in dry weather and when the soil is in a dry, friable condition.

Reason

To enable the Mineral Planning Authority to monitor the development and to ensure that all available soil resources are preserved intact as the development proceeds such that the land can be returned to beneficial agricultural use on completion of operations, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

05

On completion of the extraction operations or the termination of the period referred to in Condition 1 above, all buildings, hardstanding areas, roadways, plant, equipment, structures and the whole of the quarry access road to its junction with the (A57) Worksop Road shall be removed from the site and the land restored in accordance with the restoration and aftercare requirements of the conditions below, and the access point to Worksop Road shall be closed and the highway/highway verge reinstated in accordance with details which have previously been submitted to and approved in writing by the mineral planning authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

06

Should for any reason mineral extraction or waste infill from the site cease for a period in excess of 12 months then, within three months of the receipt of a written request from the mineral planning authority, a revised scheme for the restoration of the site shall be submitted in writing to the mineral planning authority for the approval of the mineral planning authority. The approved, revised restoration scheme shall be implemented within 12 months of its approval by the mineral planning authority.

Reason

To ensure that in the event of premature cessation of activities the land may still be satisfactorily restored to beneficial use, in accordance with Policy MIN 6 of the adopted Unitary Development plan.

07

Prior to the recommencement of development, a programme of archaeological work shall be implemented in accordance with a written scheme of investigation and a recording of findings to be submitted to, and approved in writing by, the mineral planning authority.

Reason

To ensure that any archaeological remains are recorded and preserved in accordance with ENV2 of the Unitary Development Plan.

08

All mineral extraction and tipping operations shall be confined to the area shown outlined in red on Plan Nos. H321/00005 and H321/00006

Reason

For the avoidance of doubt, and to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

09

Access to and egress from the site for the purposes of this development shall be solely from the (A57) Worksop Road as shown on Plan No. LAF/HY/03-06/12789 Rev A.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

10

The access to the quarry shall be maintained and kept in a clean condition for the duration of all extraction, earth moving and tipping operations/works on the site. Measures shall be taken to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any wheel/chassis cleaning facilities provided on site shall be maintained in good working order and any accidental deposition of mud, dust and other materials on the quarry access road or the public highway shall be immediately removed.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

11

All lorries loaded with aggregate leaving the site shall be securely and effectively sheeted.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

12

Notwithstanding the provision of Part 17 of the Town and Country Planning General Permitted Development Order 2015, no building or immobile plant shall be

erected on the site without the prior written approval of the Mineral Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

13

Any fuel and oil supply tanks shall be surrounded by bund walls of sufficient height, length and breadth so as to contain at least 110% of the storage capacity of the tanks and any associated pipework in the event of a spillage. The floor and walls of the bunded area so created shall be impervious to water and oil.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

14

The importation of waste materials for deposit in the quarry void shall be limited to clean inert material.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

15

Working shall be carried out so as not to endanger the stability of the surrounding land. The site shall be worked and restored progressively, as indicated on Plan No.H321/00006 dated 04/11/2016 and as detailed in the approved Environmental Statement dated November 2016. This information shall be updated annually in the form of a report to be submitted to the mineral planning authority identifying restoration work completed during the previous twelve months and proposed restoration work for the next twelve months. The first report shall be submitted within twelve months of the date of the recommencement of works.

Reason

In order to maximise the quality of restoration works carried out, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

16

Except in case of emergency and with the exception of those activities covered by Conditions 17 and 23 below, no operations shall take place on the site other than between the hours of 0700 and 1800 Mondays to Fridays and between the hours of 0700 and 1300 on Saturdays. There shall be no working on Sundays or public holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The mineral planning authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

17

The loading of stone for sale shall only take place during the hours of 0600 to 1800 on Mondays to Fridays and between the hours of 0700 to 1300 on Saturdays. No such operations shall take place on Sundays or public holidays. All loading of vehicles prior to 0700 hours shall take place only within the area shown as phase 5 on Plan No. LAF/HY/03-06/12788.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

18

The recycling element of the scheme shall be located in accordance with Plan No. H321/00005 and operated in accordance with the original supporting statement dated November 2001 and the letter dated 1 May 2002.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

19

Waste recycling operations shall be carried out only on an area with an impervious base.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

20

No more than 25,000 tonnes of inert material for recycling shall be delivered and processed at the site in any twelve month period.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

21

Stockpiles of material awaiting recycling or which has been recycled shall be no higher than 3 metres above the level of the quarry floor.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

22

The recycling operations shall only be operated in accordance with a noise attenuation scheme which has been submitted to and approved in writing by the Mineral Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

23

When road planings are delivered to the site outside of the hours that the quarry is usually open as set out in Condition 16 above, this should be at a rate of no more than seven deliveries by lorry per hour during the hours that the quarry is usually closed. During the hours when the quarry is usually closed, noise emissions from the site shall not exceed 45d B (A)Leq, 10 mins, or 5d B(A) above background at least 3.5 metres from the nearest façade of Anston Grange Farm or the nearest residential property.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

24

Seven days notice shall be given to the mineral planning authority prior to the commencement of the importation of road planings outside normal working hours.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

25

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or other equipment, arising from the quarrying activities. All reversing sirens fitted to site vehicles shall comply with BS6912. 1990, Safety of Earth moving Machinery Part III (sound test method for machine mounted forward and reverse warning alarms).

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

26

During the working hours permitted in Conditions 16 and 17 above, the A weighted equivalent continuous free field noise level (Leq dB(A), (1 hr.)) attributable to the operations shall not exceed the calculations set out in table 9 of the applicant's Environmental Statement dated November 2016.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

27

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures shall include water bowsters, sprayers whether mobile or fixed, or similar equipment, upward pointing exhausts, wind fences and control of vehicle speeds within the site and on haul roads. At such times when due to site conditions the prevention of dust nuisance by these means is impracticable, then movements of soils, stone, overburden and inert waste material shall be temporarily curtailed until such time as the site/weather conditions improve such as to permit a resumption of these operations.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

28

Except in case of emergency, blasting operations shall be carried out only between the hours of 11.00 and 12.00 and 14:00 and 16:00 on Mondays and Fridays and not at all on weekends, or public holidays and shall be limited to no more than three times per week.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

29

Blasting charges shall be so regulated to ensure that during any period of thirteen consecutive weeks as operations progress, ground vibrations produced shall not exceed a peak particle velocity in any plane of 6 mm/second at the 95% confidence limit, with no blast producing a peak particle velocity in any plane greater than 12 mm/s-1 measured at the ground surface adjacent to the nearest property to the blast. If monitoring results from any blast exceed a peak particle velocity in any plane of 6mms-1 all further blasting will be suspended pending an investigation into the blast design and monitoring data. In devising and implementing the blasting programme for the site, the operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

30

A blast database shall be established and kept up to date to include all information from blast monitoring data so that site specific factors can be calculated to aid accurate prediction and blast design. During each blasting campaign monitoring at multiple locations shall be carried out in order to plot a regression curve. The database shall be used to review the impact of blasting and associated processes on the nearest noise/ vibration sensitive property and advise the future blasting programme prior to the commencement of each new phase of blasting. An annual

independent review of the data shall be carried out and submitted to the mineral planning authority.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

31

If the results of monitoring of any blasting operation on the site exceed 3mms-1ppv, the operator shall review the blasting specification and assess the reasons for the exceedance. The operator shall also consider whether the specification of the blast could have been reduced, having regard to the need to minimise disturbance off site. Where the operator considers that the blast could have been reduced, this shall be taken into account when determining the next blast specification. The reasons for the exceedance and the result of the operator's consideration on the reduction of the specification shall be kept in a written log and made available to the mineral planning authority.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

32

In devising and implementing a blasting programme for the site, the operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting. The operator shall provide and install all necessary monitoring equipment to carry out vibration and air pressure measurement, in accordance with arrangements and at a location or locations to be submitted to and approved in writing by the mineral planning authority. In addition to the collation of blasting records into a monitoring database to enable consideration of blast monitoring data and other site specific factors to be submitted quarterly through the site liaison meeting, the blasting results shall be submitted in writing to the mineral planning authority at the end of each week during blasting campaigns.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

33

All topsoil and subsoil shall be stripped in advance of working and where not immediately employed shall be separately stacked along the northern boundary of the quarry or the soil storage area in the south of the quarry in a location to be agreed with the mineral planning authority and in accordance with details contained in the Environmental Statement. All such materials shall be retained on site and prevented from mixing and contamination. Such stacks shall not be traversed by heavy vehicles or machinery except during stacking or re-spreading. The stacks shall be regularly formed and maintained in a tidy and weed-free

condition for the duration of their presence on the site and so as to be available for subsequent agricultural reinstatement of the land.

Reason

To ensure that all available soil resources on the site are efficiently stripped in a controlled manner, retained on site, and suitably stored free from risk of contamination, ready for use in subsequent restoration, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

34

The material to be tipped shall be deposited progressively by methods of controlled tipping which accord with the terms of the improvement conditions contained in the PPC permit issued by the Environment Agency. All waste material shall be deposited within the excavations and re-spread evenly to conform to the approved finished contours as shown on Plan No. H321/00007. No waste material either derived from the quarry or brought into the site shall be deposited above the general level of the surrounding original land.

Reason

In order to maximise the quality of restoration works carried out, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

35

For the duration of the development hereby permitted measures shall be taken to protect all existing trees and/or hedgerows on the site which are outside the approved operational areas from wilful damage or destruction and no trees and/or hedgerows shall be lopped, topped or felled without the prior written approval of the mineral planning authority. Any trees and/or hedgerows removed without such approval or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees/plants of such size and species as may be approved in writing with the mineral planning authority.

Reason

To protect existing vegetation and ensure that the land is returned to a beneficial after use on completion of operations, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

36

Restoration shall be carried out progressively across the site in accordance with the approved scheme indicated on Plan Nos. H321/00006 and H321/00007 and in accordance with the details contained in the Environmental Statement and the good practice notes drawn up by the Natural England.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

37

The graded tipped surfaces shall be progressively achieved as shown on Plan Nos. H321/00006 and H321/00007 and in accordance with the Environmental Statement. Following tipping operations and the placement of the soil, the soil shall be cultivated to bring the topsoil to a suitable agricultural tilth.

Reason

To enable the envisaged after uses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

38

Within three years of the date of this permission, a scheme shall be submitted for the written approval of the mineral planning authority detailing how a minimum of 3ha of calcareous grassland shall be created on that part of the site within the ownership of Tarmac Aggregates. The submitted scheme shall include the timescale for the establishment of the grassland. Thereafter, the grassland shall be maintained as part of the aftercare scheme for the site.

Reason

To enable the envisaged after uses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

39

Restored surfaces shall be free from ponds and standing water and such land drainage works as may be necessary (both as tipping operations proceed and in relation to finally restored surfaces following settlement) shall be effected by the operator in accordance with details which have been submitted to and approved in writing by the mineral planning authority. Any restored area which is affected by surface ponding or by local settlement shall be infilled with topsoil and re-graded to the approved contours or with the prior written approval of the mineral planning authority, rectified by additional works such as to render effective the overall drainage provisions relevant to the approved scheme.

Reason

To ensure that the development does not give rise to drainage problems, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

40

Trees, shrubs and hedgerows shall be planted on the site in the areas shown on Plan No. H321/00007 within the first available planting season after infilling of the areas shown on Plan No. H321/00007, trees and/or shrubs shall be planted on the site in accordance with a scheme to be submitted to and approved in writing by the mineral planning authority, such scheme to provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner for the prior approval of the mineral planning authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

41

Upon completion of restoration works in each phase shown on Plan No. H321/00006 the land shall be managed for a period of five full growing seasons in accordance with an aftercare scheme(s) which shall have received the prior approval of the mineral planning authority and which shall specify the steps to be

taken to bring the land to the required standard for use for agriculture. The scheme(s) shall include:

- (a) Annual meetings attended by the mineral planning authority to appraise the effectiveness of aftercare and to assess any further measures which may be required in the following year;
- (b) Sub-soiling, cultivation, fertilising, liming, seeding to grass and management of the grass sward by grazing or mowing, together with such drainage/under drainage works as may be necessary as restored areas become established throughout the duration of the aftercare period; and
- (c) Prior to the annual meeting all restored soils shall be sampled at six samples per hectare and at a depth of 15 cm (in accordance with Natural England advice to assess fertiliser and lime requirements). The results of such analysis shall be supplied to the mineral planning authority and made available to the annual meeting.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

42

In the event that site activities should cease for a period in excess of three months, development shall not recommence until all potential habitats for protected species within the area of development have been investigated by a qualified ecologist and a report of the investigation has been submitted to and approved by the mineral planning authority. In the event that protected species are present the report shall provide a working design, method and timetable to investigate any undue adverse effects on the species involved. The mitigation measures shall be implemented as approved.

Reason

To ensure that the land is returned to a beneficial afteruse on completion of operations, in accordance with Policy MIN 6 and Policy ENV3.2 of the adopted Unitary Development Plan.

43

The Phase 2 vegetation survey, invertebrates and assessment of cliffs for birds, bats (and plants) set out in the scoping report should be undertaken prior to the quarry being brought back into use. The survey should be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of ecology, and in accordance with ore Strategy Policy CS20 'Biodiversity and Geodiversity,' 'saved' UDP Policy ENV2 'Conserving the Environment and the advice within the NPPF.

44.

Prior to the commencement of the quarrying on site details of methods to minimise air pressure during blasting shall be submitted to and approved in writing by Local Planning Authority.

Reason

In the interest of neighbouring amenity.

Informatives:

01

INF 33 Section 106 Agreements

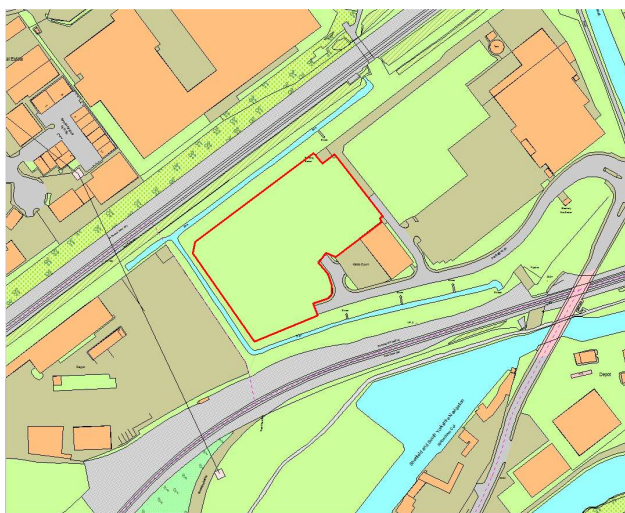
The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2017/0268
Proposal and Location	Erection of 2 no. buildings for Business, General Industry and Storage or Distribution (Use Class B1, B2 & B8) with associated service yard and car parking at Land at Forge Way, Parkgate
Recommendation	Granted Conditionally

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



Site Description and Location

The site consists of a vacant plot that lies at the end of Forge Way which is to the north-west of Rotherham Road in Parkgate. Forge Way serves the former B&Q, Kaldo Court (Quay Plastics, Tile Giant) and the application site.

The application site and the wider site were formerly used as a power station and railway sidings and have since been reclaimed and decontaminated.

The site has a total area of 1.15 hectares and is broadly level.

Background

There are a number of applications in relation to the application site as part of the wider 'Henry Boot Development' which includes the former B&Q and the two trade units. The recent planning applications are as follows:

RB2005/0428 – Outline application for the erection of non-food retail (use class A1) industrial development (use class B2) and associated car parking and landscaping including details of means of access – Allowed in appeal for non-determination

RB2008/1402 – Details of the appearance, scale, layout and landscaping in respect of the erection of 2 No. buildings to form 6 No. non-food retail warehouses and 4 No. buildings to form 6 No. industrial units (reserved by outline RB2007/0872) – Granted conditionally

RB2009/1423 – Display of an illuminated totem sign – Granted conditionally

RB2010/0599 – Application for variation to condition 30 (retail units to be not less than 929sq.m gross floor space) imposed by RB2007/0872 to allow retail units to be not less than 697sq.m gross floor space – Granted conditionally

RB2010/0988 – Application for variation of condition 20 (retail units hereby approved shall not be subdivided to create individual units less than 929 square metres) imposed by RB2009/0660 to allow not less than floorspace of 697 square metres – Granted conditionally

Proposal

This application seeks planning permission for the erection of two buildings to form 10 units for use within classes B1(b) research and development, B1(c) light industrial, B2 general industrial and B8 storage and distribution. It is also proposed to erect a new electricity sub-station to serve the proposed buildings.

The buildings would have a total footprint of 5300m² being 64m x 33m and 106m x 31m respectively. Both buildings would be 8m high to the eaves with a 5 degree duo pitched roof. They would be steel portal framed with profiled steel cladding in blue / grey and silver composite panels. There will be a 2m long canopy overhang at the front of each building.

There is approximately 1000m² dedicated to soft landscaping surrounding the perimeter of the site and the car park. The existing palisade fencing will be retained and additional palisade fencing will be erected to match.

A total of 91 car parking spaces will be provided, including 10 dedicated disabled parking bays, together with a service yard between the buildings for delivery vehicles and secure cycle storage areas.

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

Core Strategy policy(s):

CS9	'Transforming Rotherham's Economy'
CS14	'Accessible Places and Managing Demand for Travel'
CS15	'Key Routes and the Strategic Road Network'
CS24	'Conserving and Enhancing the Water Environment'
CS25	'Dealing with Flood Risk'
CS28	'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC2.1	'Sites for New Development'
EC3.1	'Land Identified for Industrial and Business Uses'
ENV2.2	'Interest Outside Statutorily Protected Sites'
ENV3.2	'Minimising the Impact of Development'
ENV3.7	'Control of Pollution'

Rotherham Local Plan 'Publication Sites and Policies'

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 await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The application has been advertised by way of a press notice (03 March 2017 Rotherham Advertiser), a site notice (23 February 2017) along with individual neighbour notification letters to adjacent premises.

No representations have been received.

Consultations

RMBC – Transportation: No objections subject to conditions

RMBC – Environmental Health: No objections subject to informative

RMBC – Ecologist: No objections subject to conditions

RMBC – Landscape: No objections subject to conditions

RMBC – Drainage: No objections subject to conditions

Environment Agency: No objections subject to conditions

Policy Architectural Liaison Officer: No objection and advice is given on potential security measures

Coal Authority: No objections

Canal and River Trust: No objections subject to conditions

Yorkshire Water: No objections

Appraisal

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

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

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in

accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

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

- Principle
- Design, Scale and Appearance
- Impact on the surroundings
- Highway Safety
- Flood Risk

Principle

The site is allocated for Industrial and Business purposes both in the UDP and in the emerging Sites and Policies Document. UDP Policy EC3.1 'Land identified for industrial and business uses' indicates that 'development falling within Classes B1, B2 and B8 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.'

Policy SP16 of the emerging Local Plan is more specific to 'development falling within Classes B1b and B1c, B2 and B8' for land identified for industrial and business use. This is to be in line with the national policy on offices (B1a) being classified as town centre use.

The proposal is for development exclusively within B1(b) and B1(c), B2 and B8 which would be in accordance with the provisions of UDP Policy EC3.1 and emerging Local Plan Policy SP16. The principle of industrial / warehousing development on this site is therefore acceptable.

Policy SP1 'Sites Allocated for Development' is identified in Table 5 of the Site and Policies Document as a site for business and industrial use (E5 – LDF0031) that will contribute to meeting employment land requirement set out in the Core Strategy policy CS9 'Transforming Rotherham's Economy' in support employment growth in sustainable locations and meet modern economic environment.

In addition the NPPF states at paragraph 19: "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

The proposal is therefore in compliance with the aforementioned policies and is acceptable in principle.

Design, Scale and Appearance

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, paragraph 56 of the NPPF states that: "Good design is a key aspect of

sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

The site is located at the end of Forge Way, which runs at a lower level than the main road, Rotherham Road and is bounded by a watercourse and railway line. Together with the topography and vegetation surrounding the site, the views of the proposed development is limited, in addition the proposed industrial buildings would blend in with industrial and business sites along Mangham Road and the existing development on Forge Way.

It is considered that the proposed substation and the buildings are considered to be of an appropriate scale relative to the size of the site. Whilst the proposed buildings have the appearance of typical large scale industrial warehouses, the proposed materials would match with the adjacent Kaldo Court building and will provide a modern and contemporary finish.

There is an area of landscaping proposed around the perimeter of the site and also within the car park area. The Council's landscape architect has indicated that there are no objections to the proposal as submitted.

Overall, it is considered that the proposed development is of an acceptable design and scale which will comply with the general advice within the NPPF and Core Strategy CS28 'Sustainable Design'.

Impact on the surroundings

UDP Policy ENV3.2 'Minimising the Impact of Development' states 'In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources, and to conserve and improve its quality. It will permit development which results in a significant loss of trees, woodlands, hedgerows or field boundary walls only when there is compelling justification for doing so.'

It is acknowledged that the site is approximately 100m north of the South Yorkshire Navigation Canal and borders Greasborough Dyke which is a drain that flows into the canal. Core Strategy Policy CS24 'Conserving and Enhancing the Water Environment' indicates development should not result in the deterioration of watercourses and which conserve and enhance the natural geomorphology of watercourses; water quality; and the ecological value of the water environment, including watercourse corridors.

The Canal & River Trust has been consulted and has no objection to the development subject to a condition to prevent potential contamination to the Navigation and Greasborough Dyke.

UDP Policy ENV2.2 'Interest Outside Statutory Protected Sites' aims to protect any key species, key habitat or significant geological or archaeological features. An Ecological Assessment has been submitted and the Council's Ecologist has no objection to the development subject to planning condition for the installation of oil interceptors and the provision of a Biodiversity Action Plan.

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..."

Bearing in mind that the site is surrounded with business / industrial uses and is bounded by watercourse and railways, there are no residential properties within the immediate locality and it is therefore considered that the proposed development would not result in any adverse impact on residential amenity by way of general disturbance. The Council's Environmental Health Officer has been consulted and has no objection to the development subject to an informative be included to ensure appropriate measure to prevent potential disamenity during the construction phase.

Highway Safety

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.

A Transport Statement has been submitted and the Council's Highway Officer has confirmed that the development traffic would not result in an adverse effect on the operation of the Forge Way junction with A633 Rotherham Road or the wider network.

The closest bus stop is adjacent to the junction of Forge Way and Rotherham Road, approximately 0.5km from the site via existing pedestrian access. Bearing in mind that there will be secure cycle storage provision within the development and public transport is accessible within walking distance, it is considered that the site is located in a sustainable location.

Flood Risk

Core Strategy Policy CS25 'Dealing with Flood Risk' states 'Within the Rotherham Regeneration Area the Council will support proposals which demonstrate that they have assessed, and, where necessary, mitigated flood risk in accordance with the Flood Risk Took Kit. Proposals will not be supported where the risk cannot be satisfactorily mitigated. Proposals within flood zones 2 and 3 will be required to demonstrate that other sites in lower flood risk zones within the Rotherham Regeneration Area have been assessed and can be shown to be unable to accommodate the proposed development. Applicants must also set out the flood risk mitigation measures incorporated into the design and demonstrate how these

reduce flood risk to an acceptable level and maintain safe access both to the site and its surroundings during times of flood.'

The site is located within Environment Agency Flood Zone 3 (high risk) for river flooding however it is acknowledged that the site was raised above the flood level approximately 20 years ago.

Despite the site level being raised, the Flood Zone map has not reflected this change. Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test. Development should not be permitted if there are reasonably available sites, appropriate for the proposed development, in areas with a lower probability of flooding. However, Exception Test is not required as the proposed use of the site is considered as 'less vulnerable' development in relation to flood risk.

A Flood Risk Sequential Test has been submitted as a part of the planning application. The Sequential Test has reviewed 4 alternative sites within the Rotherham Regeneration Area including: land and premises at Fitzwilliam Road / Chesterton Road; Magna 34 Business Park at Sheffield Road; Sheffield Road; and Eastwood Trading Estate. Whilst these sites are not within Environment Agency Flood Zone, the applicant has discounted the sites on the basis of the site area; land value and availability.

The Environment Agency and the Council's Drainage Engineer have considered the submitted information in relation to drainage and flood risk and both consider that the Flood Risk Assessment and Sequential Test have been prepared appropriately and meet the requirements of the NPPF and Core Strategy Policy CS25. It is therefore considered that the proposed development is acceptable when assessed against the Rotherham Town Centre Flood Risk Toolkit and would not result in an adverse impact on flood risk subject to the mitigation measures stated in the Flood Risk Assessment being implemented.

Conclusion

The site is allocated for industrial and business purposes in the Unitary Development Plan and the principle of development is therefore considered to be acceptable.

The proposed design of the buildings is considered appropriate for the locality, provides an appropriate level of parking and would not result in an adverse impact on flood risk.

The application is therefore recommended for approval, subject to conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 8 (Drainage Detail) & 12 (Biodiversity Action Plan) 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 8 & 12 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

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

Reason

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

02

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

[Location Plan 38184/011A, Site Layout 38184/012D, Building 1 Floor Plan and Elevations 38184/013A, Building 2 Floor Plan and Elevations 38184/014A] (received 20/02/2017)

[Landscape Masterplan 668-FWR02-D, Planting Plan 668-FWR03-D] (received 22/05/2017)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawings (Building 1 Floor Plan and Elevations 38184/013A, Building 2 Floor Plan and Elevations 38184/014A). The development shall thereafter be carried out in accordance with these details.

Reason

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

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

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

Reason

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

06

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

Reason

In order to promote sustainable transport choices.

07

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated February 2017 by Eastwood & Partners, and the following mitigation measure detailed within the FRA:

- Finished floor levels are set no lower than 26.0 m above Ordnance Datum (AOD).

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

Reason

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

08

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

Reason

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

09

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'.

10

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

Reason

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

11

Landscaping of the site as shown on the approved plan (Landscape Masterplan 668-FWR02-D, Planting Plan 668-FWR03-D) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

interests of amenity and in accordance with Policy CS21 'Landscape', UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

12

Prior to the commencement of development a Biodiversity Mitigation & Enhancement Strategy and a schedule for implementation and long-term maintenance plan shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

To enhance the biodiversity gain in accordance with the NPPF.

13

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

Reason

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

14

In the event that subsoil's / topsoil's are to be imported to site for soft landscaping works then these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to site then the results of testing thereafter shall be submitted to and approved in writing by the Local Authority in the format of a Validation Report.

Reason

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

15

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

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Policy CS28 Sustainable Design.

Informative

01 Permitted Development Rights

Under Part 3 Class V of the Town and Country Planning (General Permitted Development) Order, as amended an application can be submitted for a flexible permission which allows the units 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.

02 Police Architectural Liaison Advice

- This development would benefit from being built to Secured by Design standards. All external doors, windows and Roller Shutters must meet one of the following: PAS 24:2016 LPS 1175 SR 2 STS 201 or STS 202 BR2 More information can be found at www.securedbydesign.com
- Any glazing used at ground floor level must be laminated.
- The Car Park should be well lit with no dark areas, all landscape should be kept low to aid surveillance.
- It would be beneficial for this development to have defensible space around the perimeter of the site. This will stop casual intrusion across the parking area and make it look as if it is a private space.
- All entrances should be well lit.
- Bin stores must be lockable to prevent attempted arson attacks.
- Cycle parking areas should be positioned in view of the building

03 Control of Working Practices During Construction Phase

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

- Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.
- The operator shall install and thereafter utilise as appropriate, wheel washing facilities on the site for the duration of the operation. Prior to its installation on site, full details of its specification and siting shall be first agreed with the Local Planning Authority.
- All loaded lorries leaving the site shall be securely and effectively sheeted.
- All lorry movements to and from the site for the purposes of the development hereby approved shall only be via the access point as

indicated on the approved plan except as may be otherwise agreed in writing by the Local Planning Authority.

- At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
- The operator shall provide and install all necessary monitoring equipment to carry out dust incidence measurements in accordance with arrangements and at location(s) to be agreed with the Local Planning Authority. The Local Planning Authority shall have freedom of access to all dust monitoring records and results from the site on request.

04 Coal Authority Advice

Further more detailed consideration of ground conditions and foundation design, to take account of the comments made within the Site Investigation Report (May 2016, prepared by Eastwood & Partners) in relation to potential differential settlement, will be required as part of any subsequent Building Regulations application.

05 Advertisement / Signage

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2017/0452
Proposal and Location	Dual pitched roof to replace existing roof at 1A Denman Street, Eastwood
Recommendation	Grant Conditionally

This application is being presented to Planning Board as more than 5 objections have been received.



Site Description and Location

The site is located to the rear of 1-7 Denman Street and has a narrow access to the side of 1 Denman Street in Eastwood.

The existing building is partly two-storey in height and has various roof structures which include a mono-pitch roof with a ridge height of 7m; a dual pitched roof with a ridge height of 5m and a flat roof. The building previously had floorspace of 25m² in the roofspace for storage purposes.

The historic maps for the area indicate that the building was erected between 1900 and 1916 and then extended towards Denman Street a few years later. It has always been used for business purposes and was originally used as a bakery, then occupied by various food businesses until 1996. The building was then used as a furniture warehouse until a fire destroyed the roof in September 2016.

Background

There is no planning history in relation of the site.

Proposal

The application seeks planning permission for the erection of a new roof as the original roof was damaged by a fire last year.

It is proposed to erect a dual pitch roof with a parapet wall on the rear elevation that would be 4.8m in height with an eaves height on the front elevation of 3.78m. The ridge height of the roof would be 5.8m.

There will be 28m² usable floorspace in the roofspace.

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 residential purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s)
CS28 'Sustainable Design'

Other Material Considerations

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

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

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

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

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 8 representations have been received (2 of which are of same address) outlining the following concerns:

- the roof will affect the amount of light entering the windows of 5 Denman Street and will limit the view of a brick wall
- the extension will have an effect on the rental value / value of neighbouring properties as it is functioning as a warehouse
- the building is poorly maintained
- the building should not be used as a commercial / commercial storage facility
- Denman Road is already difficult to sustain the traffic flow from residential and commercial vehicles
- there is no vehicular access available for the site
- the building is a fire risk to the community as it is too close to local private residents and it is not used for residential purposes
- the building requires additional foundation / construction work to facilitate the roof
- building work would require access to 42 Fitzwilliam Road and permission would not be given without guarantee of high quality of works and certification of insurance being supplied
- the proposal would enable the building to be used as multiple storage units which would have significant impact on highway safety given limited access and parking

The applicant has submitted a statement in response to the representations.

Consultations

RMBC – Transportation have no objections

RMBC – Environmental Health has no objection

Appraisal

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

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

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

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

- Principle of development
- Design, Character and Impact on Visual Amenity
- Impact on Neighbouring Amenity
- Other matters

Principle of Development

The application site is allocated for residential purposes in the UDP.

Whilst there is no planning permission for any specific use of the site, the applicant has submitted a statement detailing the uses of the building over the past 30 years and from the available information, it is acknowledged that the last lawful use of the building was as a furniture warehouse.

This planning application is for the erection of a dual pitch roof to replace the existing roof structure that was damaged by the fire incident in September 2016. It is acknowledged that other structural work will be carried out to enable the erection of the roof, however, such works would be deemed to be repair / rebuild which would not alter the existing building in terms of its design, height, scale or materials.

Considering that the application does not relate to the use of the building and there is no change of use of the building, it is considered that the proposed development is acceptable in principle.

Design, Character and Impact on Visual Amenity

The National Planning Policy Guidance (March 2014), notes that “Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations. The NPPG further goes on to advise that: “Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

The NPPF at paragraphs 17, 56 and 64 details how the Government attaches great importance to the design of the built environment and how good design is a key aspect of sustainable development which should contribute to making places better for people.

Core Strategy Policy CS28 ‘Sustainable Design’ states that “Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.”

It is considered that the proposed new roof is of an appropriate design, scale and appearance which would not result in a detrimental impact on the appearance of the building. The building is not prominently visible from the public highway and would not result in a detrimental impact on the general street-scene.

As such, it is considered that the proposed new roof to the building accords with the above policies.

Amenity of Neighbour Amenities

Paragraph 17 of the NPPF requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The site lies within a predominantly residential area and the building is adjacent to the rear gardens of residential properties.

The ridge line of the proposed pitch roof is set further away from the front of the building than the original roof and it is of a shallower roof angle at 17 degree pitch in comparison to 25 degree pitch on the original roof.

It is also acknowledged that the proposed pitched roof with the parapet wall on the rear elevation of the building, which would replace the original mono-pitch would reduce the height of the building along the rear boundary from 7m to 4.7m.

With this in mind, it is considered that the proposed new roof would not result in a detrimental impact on the amenities of the residents who live in properties on Denman Street and Hatherley Road, by way of overbearing or overshadowing.

Other matters

Whilst the proposed roof would result in a 3m² increase of usable roofspace, it is considered that the additional floorspace is not significant and would not result in any adverse impact on residential amenity or highway safety in this instance.

It is also acknowledged that whilst the building is in close proximity to the boundary of neighbouring properties, the granting of planning permission does not override any land ownership or right of access issues which are separate legal matters. An informative is recommended to be attached to the decision notice for the applicant's attention on this matter.

Issues such as the possible effect on house prices and the possible future use of the building are not material considerations and have been given no weight in this recommendation.

Conclusion

Having regard to the above, it is concluded that the proposal would comply with the relevant paragraphs of the NPPF, policies of the UDP and Core Strategy.

For the reasons detailed in this report the application is recommended for approval subject to the following conditions.

Conditions

01

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

Reason

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

02

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

(Existing Plan 216/40/01A, Existing and Proposed Elevation Plan 216/40/02A, Location Plan / Site Plan / Proposed Floor Plan 216/40/03A)(Received 24 May 2017)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

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

Informative

01

Control of working practices during construction phase (Close to residential)

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

02

Deeds/Covenants/Rights of Access

The granting of this permission does not override any restriction/requirement set out in any deeds or covenants relating to the site or any right of way that may exist over the site. These are separate matters that need to be resolved accordingly before development can take place.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2017/0625
Proposal and Location	Change of use to house in multiple occupation (sui generis) at 20 Lindum Terrace, Doncaster Road, East Dene
Recommendation	Granted Conditionally

This application is being presented to Planning Board due to the number of objections that have been received.



Site Description and Location

The site is located on the corner of Lindum Terrace and St. Annes Road in the East Dene area of the borough. It comprises of a two storey end terraced property with bay windows at ground floor. On the eastern elevation is an external fire escape and an area of hard standing exists to the rear which is used for the parking of vehicles.

The property has a permitted use as a Social Club.

Background

The property has a varied planning history relating primarily to the erection of extensions and external fire escapes. All of which are reflective of the property's permitted use as a Social Club.

Proposal

The application seeks planning permission for the change of use of a social club (former Railway Club) into a House in Multiple Occupation.

Specifically, the change of use will provide 5 single bedrooms with en-suite shower rooms at ground floor, a separate bathroom, communal kitchen/dining area/lounge and 2 kitchens. At first floor the internal layout proposes an additional 5 single bedrooms with en-suite shower rooms (10 in total), separate bathroom and communal kitchen, dining area/lounge.

Each bedroom has a floorspace ranging between 8.8sqm and 10.8sqm.

No external alterations are proposed as part of the proposals.

Seven car parking spaces and an area for cycles and motorcycles is shown to the rear of the property with access from Walker Lane.

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 residential purposes in the UDP and also falls within the Doncaster Road Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS28 'Sustainable Design'

CS29 'Community and Social Facilities'

Unitary Development Plan 'saved' policy(s):

HG4.8 Flats, Bed-sitting Rooms and Houses in Multiple Occupation

ENV2.11 'Development in Conservation Areas'

ENV3.7 'Control of Pollution'

Other Material Considerations

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

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

in favour of sustainable development that is the basis for every plan, and every decision.

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

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

South Yorkshire Residential Design Guide (SYRDG)

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 20 representations have been received outlining the following concerns:

- The adjoining property (18 & 19 Lindum Terrace) provides emergency accommodation and supported living units to vulnerable and homeless 16-25 year olds and without having information relating to the group of individuals who will be residing at the application property there could possibly be safeguarding issues arising as a result of the proposals.
- Too many HMO's/ flats in the area, causing noise, drunkenness etc
- There is an existing anti-social problem in this area.
- There are already a high number of flats on the front and back of my road please do not add more.
- The area has gone from quiet to one where drugs are openly bought and sold, there are fights and anti-social behaviour and that is because there are multiple flats already on the street. We do not want any more of the clientele that are attracted to this type of cheap housing who are mostly the people that are causing these issues.
- We are really worried about the transient activity, impact on the neighbourhood, that a 10 room HMO would bring to this community, it is a family neighbourhood and also next door to Rush House which supports vulnerable teenagers; also we haven't had a letter telling us about this application.
- Our local councillor already knows the problems we are getting in this area.
- I would like the planning committee to look into how many houses have been converted into flats and beds sits on the streets nearby to Lindum Terrace and is it wise to convert more properties? How would this impact on children and families and the scenery?
- Due to the large number of single dwellings already on the street, and considering rotating tenants from rush house, the street is overcrowded as it

stands, we do not need any further housing on the street, as this will make the current situation even worse.

- The extra dwelling will cause extra traffic on the already very narrow road, causing noise pollution on the street, also the extra traffic will increase the safety risk for the pedestrians walking up and down the street (as the footpaths are very narrow, can barely fit a child, never mind having to push a baby push chair) also it will make it even more dangerous for children walking and playing in the street.

In response to the representations received the Applicant has provided the following rebuttal statement:

‘Regarding the above application for planning consent of change of use of a private member’s social club to a HMO I thought there would be great value to communicate our intentions, operations and our experience in relation to managing HMO’s supported with a reference from Barnsley Council where we have a large operating portfolio of this nature.

I understand and appreciate the attachment of thought in relation to HMO’s as they are deemed high risk by so many including Council’s and surrounding neighbours with the association of how the majority of HMO’s are currently operating and how they birthed into the market. Typically with poor living standards, low level/ problematic tenant audiences and the lack of constant and continued management which they so critically require.

With over 8 years’ experience with providing HMO accommodation and through trial and error we have established a highly desirable model for professional tenants with many unique key features and high living standards imitating hotel comparable rooms. We have adopted a very proactive approach appose to reactive approach in relation to the management of our properties which is fundamental. We have identified key risk factors and enforced systems and processes to overcome the common pitfalls and have immense pride in what we provide.

We do not rent to any LHA or unemployed individuals justifiably due to the mentioned risks and required management this further entails. Our refurbishments are to contribute to the short fall of quality rental accommodation and to meet the demand of professional people who need desirable affordable living. We are committed be providing bespoke rooms with a high specification finish throughout generating the right audience and outlining the standards to be maintained.

We are passionate in rejuvenating buildings like this that sadly sit vacant and open to complaints about the condition of the property as time goes by and which generally starts to occur as derelict buildings often attract fly-tipping, anti-social behaviour, people sleeping rough and drug misuse becoming a health and safety risk to the public.’

Consultations

RMBC – Transportation raise no objections to the proposed change of use subject to the imposition of conditions relating to the marking out of the car parking area and submission of information relating to sustainable transport measures.

RMBC – Environmental Health do not envisage any significant loss of amenity by virtue of noise, air quality or land pollution impact and as such would raise no further comment.

RMBC – Affordable Housing Officer has confirmed that the proposal will not trigger the affordable housing policy, therefore a contribution is not required.

Appraisal

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

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

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

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

- Principle of development
- Amenity of Future Occupiers
- Impact on Neighbouring Amenity
- Design, Character and Impact on Conservation Area
- Parking, Highway Safety

Principle of Development

UDP Policy HG4.8 Flats, Bed-sitting Rooms and Houses in Multiple Occupation indicates that “the Council will permit the creation of flats, bed- sitting rooms and houses in multiple-occupation, provided that a concentration of these forms of accommodation does not seriously interfere with the amenities of existing residents and adequate provision is incorporated into any development to accommodate off-street parking for residents.”

In this regard Lindum Terrace consists of a row of two storey terraced properties. Immediately adjoining is 17 – 19 Lindum Terrace which is currently used as emergency accommodation and supported living units to vulnerable and homeless 16-25 year olds, other uses along the row include 2 flats (No. 15) and 4 bedsits (No. 11). The remaining properties along Lindum Terrace consist primarily of properties within single residential use, however it is acknowledged that properties to the rear (No's 12 & 28 Nelson Street) have the benefit of planning permission for the change of use to flats, 36 Nelson Street has permission for sheltered accommodation and 1 & 2 The Crescent has permission for the use of the property as emergency accommodation for the homeless. Having regard to this it is considered that the area remains primarily in single residential use, therefore the introduction of a house in multiple occupation in this location will not result in a

concentration of these types of accommodation within the immediate area nor will it interfere with the amenities of existing residents.

Turning to the building's existing use as a Social Club, this falls within a D2 Use Class. The loss of which is not given the same protection as public houses under Core Strategy Policy 29 'Community and Social Facilities' which states that 'The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency.'

Despite its lack of policy protection, the applicant has provided the following information relating to its existing use and lack of demand:

'The club has severely struggled for the past 2/3 years and a private investor, a former friend of one of the members of the club, purchased the building in an attempt to keep it in operation and with the hopes of achieving a return on his purchase. This hasn't materialised and the club now has only 7 or 8 members as it's not open to the general public. The lease expires on the 1st of July when the building will then be formally vacant as I believe it still opens occasionally in the evenings. I can also further confirm that it was marketed as a residential development opportunity and not as a pub as its used as a small private members club currently with the flow of that street all being residential or commercial accommodation now.'

Having regard to all of the above, the change of use to a HMO, given the context of the surrounding uses, is therefore considered acceptable. The development will provide residential use on a brownfield site in a sustainable location well served by public transport. The conversion to a HMO (Sui Generis use) is therefore considered acceptable subject to meeting all other planning considerations.

Amenity of Future Occupiers

Paragraph 17 of the NPPF requires local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. New residential development should look to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensure an appropriate juxtaposition of rooms both within a property and with neighbouring properties to prevent general noise and disturbance issues.

When assessing amenity considerations it is important to consider the mode of occupancy. The proposed floorplans submitted with the application show communal spaces which include bathrooms, kitchens and dining/living areas. The submitted floorplans confirm that the rooms will be single occupancy only and have the benefit of an en-suite shower room. It is therefore likely that whilst the rooms will be let individually to unrelated people, future tenants will have the benefit of reasonably sized communal areas and are therefore given the opportunity to interact outside of their private room.

In terms of minimum internal floorspaces, no minimum spacing standards are recommended by the SYRDG for housing in multiple occupation, but minimum single bedroom spacing standards are identified as being 7sqm. In this case, all of the bedrooms range between 8.8 and 10.8 sqm in size and adequate size communal kitchen and dining areas are provided.

In this regard it is considered that the size of the individual bedrooms proposed is considered to be acceptable and would provide an adequate level of amenity for future resident's basic needs in accordance with the advice contained within Paragraph 17 of the NPPF and the SYRDG.

Having regard to the provision of outdoor amenity space, it is acknowledged that none is proposed within the curtilage of the property; however the site is located immediately opposite Clifton Park which provides an opportunity for a wide range of outdoor recreational needs. On this basis it is not considered that any in curtilage provision is required.

Impact on Neighbouring Amenity

The site lies within a predominantly residential area and is located at the end of a row of terraced properties. The property was last used as a Social Club which was granted planning permission unconditionally in 1952. As a result the use could operate unrestricted (subject to a licence to sell alcohol) 24 hours a day which has the potential for comings and goings at unsociable hours.

Having regard to this, it is considered that the proposed use as a HMO for up to 10 residents would have less of an impact on the amenity of adjacent residents than the previous use as a social club. This element is therefore considered to conform with the requirements of ENV3.7 'Control of Pollution' which indicates that the Council in consultation with other appropriate agencies will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development.

In terms of anti-social behaviour, concerns from local residents have been raised that the introduction of a HMO in this location will exacerbate an existing problem within the area due to the transient clientele it will attract. These concerns are acknowledged and whilst the claims are not disputed, there is insufficient evidence to substantiate the local resident's claims that the proposal would increase noise, disturbance and other forms of anti-social behaviour.

One further letter of representation has been received from the occupants of the adjoining property indicating that the proposed use has the potential for safeguarding issues given the permitted use of the adjoining as accommodation for vulnerable and homeless residents. Whilst this point is noted it is not considered that the proposed change of use would have a direct impact on the safety of these residents and as a result would not warrant a refusal of planning permission.

Design, Character and Impact on Conservation Area

The proposal will result in minimal external changes to the application property which is considered acceptable in design and character terms. As such the

proposal is considered to be in compliance with the wider aims of Policy CS 28 'Sustainable Design' and ENV2.11 'Development in Conservation Areas'.

Parking and Highway Safety

The site lies within an established residential area fronting onto Doncaster Road where a traffic regulation order is in place. Access to the property is gained to the rear off Walker Lane into an area of hard standing sufficient in size to accommodate 7 car parking spaces with separate motorcycles/cycles parking. Walker Lane also has the benefit of a Traffic Regulation Order running along its entire length.

Having regard to the above, it is considered that sufficient space can be provided within the confines of the site to accommodate the parking of vehicles generated by future residents. This together with the existence of traffic regulation orders on Doncaster Road and Walker Lane will prevent any indiscriminate parking from occurring within the public highway.

Conclusion

The change of use to a house in multiple occupation is considered to be acceptable in principle as it will not result in a proliferation of these uses within this area and would not cause harm to the amenities of the existing occupiers of surrounding residential properties. The proposals have no visual impact on the surroundings and the Transportation Unit have raised no objections from a highway safety perspective.

As such, the proposal is recommended for approval subject to the following conditions.

Conditions

01

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

Reason

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

02

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

- Site Plan Ref: 05-0317-0S1A
- Ground Floor Plan Ref: 05-0317-SK1.1
- First Floor Plan Ref: 05-0317-SK1.2

Reason

To define the permission and for the avoidance of doubt.

03

Before the development is brought into use the car parking area shown on the Site Plan Ref: 05-0317-0S1A shall be provided, marked out and thereafter maintained for car parking.

Reason

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

04

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

Reason

In order to promote sustainable transport choices.

Informatives

01

For information, housing conditions in general are regulated by the Local Housing Authority under the Housing Act 2004. However there is further legislation that specifically provides for minimum standards in Houses in Multiple Occupation (HMO's). Furthermore, a HMO of three or more storeys, having five or more people in residence who form more than one household is required to be licenced by the local authority under Part 2 of the Housing Act 2004. If the premises fall under Part 2 of the Act, it is important that contact is made with RMBC Community Protection Unit in order to obtain a licence.

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.