

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
24<sup>TH</sup> AUGUST, 2017**

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

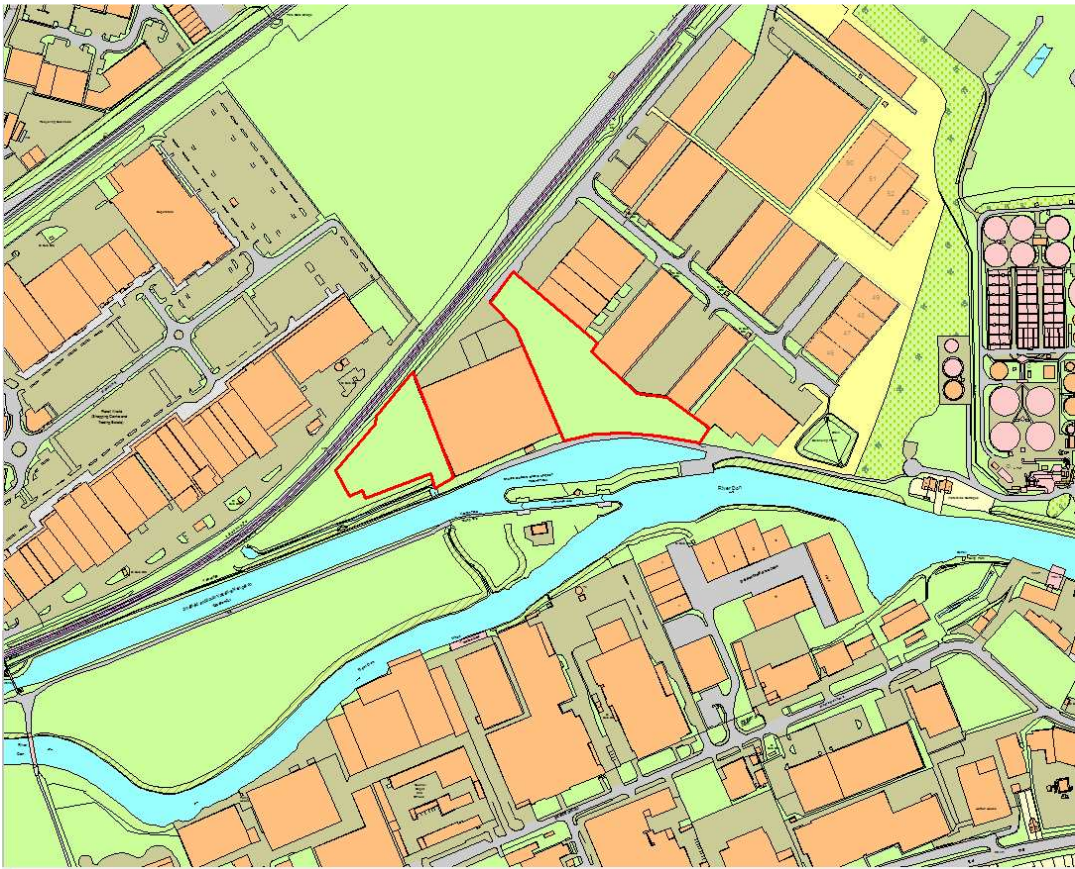
**INDEX PAGE**

|   |                |
|---|----------------|
| <b>RB2017/0609</b><br><b>Erection of 2 No. buildings for Use Classes B1(b) (research), B1(c) (light industrial), B2 (general industrial) and B8 (storage or distribution) at land at Waddington Way Aldwarke for E V Waddington Ltd</b> | <b>Page 7</b>  |
| <b>RB2017/0796</b><br><b>Application to vary condition 16 (heavy goods vehicle operation hours) imposed by RB2005/1533 at T K Lynskey (Excavations) Ltd Common Lane Wath-upon-Dearne for T K Lynskey Ltd</b>                            | <b>Page 21</b> |

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.

|                              |   |
|------------------------------|---|
| <b>Application Number</b>    | <b>RB2017/0609</b>  |
| <b>Proposal and Location</b> | Erection of 2 No. buildings for Use Classes B1(b) (research), B1(c) (light industrial), B2 (general industrial) and B8 (storage or distribution), land at Waddington Way, Aldwarke. S65 3SH |
| <b>Recommendation</b>        | Grant subject to conditions   |

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



**Site Description & Location**

The application site consists of two vacant plots in the north-western area of the existing industrial estate on Waddington Way. The land surrounding the application site comprises of large scale modern industrial warehouse buildings.

The River Don/Sheffield and South Yorkshire Navigation Canal lies approximately 200m south of the site and Aldwarke Road approximately 600m to the north-east. The Yorkshire water waste treatment facility lies to the east. The main Rotherham railway line lies to the west and separates the site from the eastern section of Retail World in Parkgate. The site is accessed via Waddington Way, a road which serves the surrounding modern industrial development and starts at Aldwarke Lane.

Site 21 has an elongated shape and site 22 has a triangular shape and both sites cover approximately 0.5ha and are broadly level.

## **Background**

The site has the following relevant planning history:

RB2006/2264 - Outline application for warehouse/industrial development for use within use classes B1 (b) research, B1(c) light industry B2 general industry, B2 general industrial and B8 storage and distribution including details of the access – Granted Conditionally.

The time limit for submitting reserved matters to this outline application has now expired and it is therefore necessary to submit a full detailed application.

There have been a number of reserved matters/detailed planning permissions subsequent to the above outline planning permission on neighbouring sites within the industrial estate. The most recent of which were subsequently approved between 2014 and 2016. The majority of the plots surrounding the application site have now been developed with the buildings occupied.

## **Proposal**

This is a full planning application for the erection of two buildings for use within classes B1(b) research, B1(c) industrial process, B2 general industrial and B8 storage or distribution. The proposal would have an external cladding material that will be both profiled and plain metal with a coloured outer face in a similar design to the other buildings within the estate. The predominant colours will be grey and green to match existing adjacent buildings. A new sub-station to serve the development is also to be provided.

### Site 21

This building has a total footprint of 3425 square metres and the dimensions of the building are 105 metres x 30 metres and approximately 8 metres to eaves level, it is steel portal framed with profiled steel cladding in blue/grey to match the existing buildings on the industrial estate.

Two separate parking areas of 27 and 36 car parking spaces will be provided, including 6 dedicated disabled parking bays, together with a central service yard for delivery vehicles and secure cycle storage areas.

### Site 22

This building has a total footprint of 1900 square metres and the dimensions of the building are 56 metres x 32 metres and approximately 8 metres to eaves level, it is steel portal framed with profiled steel cladding in blue/grey to match the existing buildings on the industrial estate.

Three separate parking areas of 55, 19 and 17 car parking spaces will be provided, including 3 dedicated disabled parking bays, together with a central service yard for delivery vehicles and secure cycle storage areas.

Both buildings are to be constructed with the potential to be internally subdivided into smaller units if necessary.

### **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).

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):

CS14 'Accessible Places and Managing Demand for Travel'

CS25 'Dealing with Flood Risk'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV3.2 'Minimising the Impact of Development'

ENV3.7 'Control of Pollution'

EC3.1 'Land Identified for Industrial and Business Use'

### **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 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

## **Publicity**

The application has been advertised by way of site notice (27 April 2017), press notice (05 May 2017, Rotherham Advertiser) and letters to neighbouring properties. No representations have been received.

## **Consultations**

Environment Agency – No objections subject to conditions.

Yorkshire Water – No objections subject to conditions

Canal and River Trust – No objections subject to conditions

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

RMBC - Neighbourhoods (Environmental Health) – no objections

RMBC - Neighbourhoods (Pollution Control) – no objections subject to conditions

RMBC - Streetpride (Drainage) – no objections.

RMBC - Streetpride (Landscape) – no objections subject to conditions;

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

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

## Principle

The application site was subject of an outline planning application for a wider area to develop a new industrial estate which was approved in June 2007 under RB2006/2264. The last application for new buildings (building 11) was approved in June 2016 (RB2016/0404).

The principle of industrial/warehousing development on this site has therefore been established. The site is allocated for industrial and business uses in the Unitary Development Plan and the development of the remainder of the industrial estate has now been, or is in the process of being finalised. These are the last remaining vacant plots without the benefit of detailed permission for development. The proposals are for development exclusively within the B Use Classes (B1, B2 and B8) and are considered to accord with the provisions of UDP Policy EC3.1. 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."

### 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 existing site consists of large scale industrial type buildings located on a new industrial estate within the Aldwarke area. The proposed development will be seen in the context of the other industrial buildings on the estate and they should therefore be consistent with the design and quality of those existing buildings.

The scale and height of the proposed buildings are consistent with those on the adjacent plots and whilst they have the appearance of typical large scale industrial warehouse buildings the use of high quality materials will assist in allowing the buildings to sit in an acceptable manner on this site. It is considered that the proposed development is of an appropriate scale for the site and sufficient space is retained for parking, service yards and landscaping. The proposed materials of profiled steel cladding will provide a modern and contemporary finish and the design and access statement indicates that the colours and finishing will be consistent with the existing buildings.

There is an area of landscaping proposed around the perimeter of the buildings and also on the front western elevation. This landscaping is consistent with the Master plan which was approved at outline stage and with the detailed design of the landscaped areas of the existing, nearby buildings. The landscaping will assist in softening the appearance of the buildings both in terms of views of the development from outside the site but will also create a high quality environment within the development.

The landscaping officer has indicated that there are no objections to the proposals as it stands and that the application can be supported in its current form, subject to a condition.

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

### Impact on the surroundings

The site lies within an industrial setting with the majority of the newly constructed surrounding uses falling within the B1, B2 and B8 use classes and the area has become a newly established industrial estate. It is not considered that there are any sensitive uses within the vicinity of the site.

The new proposed substation and rear yard area is considered to be of an appropriate scale relative to the size of the building. These elements are considered to be of an acceptable visual design and are not considered to have any detrimental impact on the functioning of the adjacent units or on the connectivity of the internal path networks within the estate.

The application proposal is considered to be in keeping with the surroundings and in conformity with saved UDP Policies ENV3.7 'Control of Pollution' and EC3.1 'Land Identified for Industrial and Business Use.'

### Highway Safety

The access and parking layout are of an acceptable standard of design in terms of vehicular movements and highway safety. In terms of parking, the proposed layout indicates that a total of 81 car parking spaces will be provided. This is in accordance with the Council's maximum standards and is therefore considered to be appropriate.

A travel plan condition was imposed for previous units in this area and it is recommended that the same should apply here. There are no objections to the granting of planning permission in a highway context.

### Drainage and Flood Risk Issues

A Flood Risk Assessment has been submitted in support of the planning application which identifies that the majority of the application site lies within Flood Zone 2 (Moderate Risk).

The site was partially flooded during the June 2007 event and the flood level is assessed to have been 23.70 m AOD. It has been recommended that buildings should be set at a minimum of this level and the submitted plans indicate that the finished floor levels of the building are at 24.30 m AOD, thus, flood risk is not considered to be significant.

In addition, the site is within the 1 in 100 year climate change flood plain and this must be compensated for within the site. Earlier submitted plans, on adjacent sites indicate that there is compensatory storage to the east of the proposed buildings. The EA have indicated that there are no objections, subject to a condition being imposed that the measures outlined in the Flood Risk Assessment be implemented in accordance with the submitted details.

Yorkshire Water have also confirmed that the FRA is acceptable. In summary, it states that foul water will discharge to public combined water sewer along the north-west boundary of the site and surface water to discharge to the River Don

The Drainage Officer has indicated that the revised drainage strategy is now acceptable. There is still further information to be provided and the percentage runoff calculation (equation 7.3) would need final clarification as this represents impermeable catchment and underestimates the runoff. However, it is considered that these could be dealt with via conditions. Overall, it is considered that the revised drainage strategy is acceptable in flood risk terms, subject to conditions.

### Pollution Control issues

Historically the surrounding area has also been subject to opencast coal mining with associated railway sidings to link the workings and nearby colliery to the mainline. The Council's Pollution Control Officer has indicated that given the historical use of the site there is potential for contamination of soils and ground water to exist from activities undertaken on site. There is also potential for migration of contaminants from off-site sources including mining, spoil heaps, landfills and other industrial trades.

For this reason site intrusive investigations were undertaken to determine if any significant soil contamination associated with the historical uses of the site/adjacent sites could impact on the proposed redevelopment of the site.

Building 21 - The site investigation works commenced on the 25<sup>th</sup> October 2016 and comprised the excavation of 9 trial pits. On first inspections there was no visible evidence of contamination.

Soil samples were collected from 9 locations across the site allocated for development and submitted to an accredited laboratory for chemical testing. The results of testing revealed that none of the samples recorded concentrations above the respective guideline values for a commercial end use that would present a risk to human health

Building 22 – The site investigation works commenced on the 15<sup>th</sup> March 2017 and comprised the excavation of 9 trial pits. On first inspections there was no visible evidence of contamination.

Soil samples were collected from 9 locations across the site allocated for development and submitted to an accredited laboratory for chemical testing. The results of testing again revealed that none of the samples recorded concentrations above the respective guideline values for a commercial end use that would present a risk to human health.

However, concentrations of arsenic, chromium, mercury and nickel were detected at levels considered to be phytotoxic to plant life. A soil capping layer in all proposed areas of soft landscaping will therefore be required. If topsoils/subsoils are imported to site then these soils will need to be tested to ensure they are clean and suitable for use.

Given the presence of made ground at the site there is a potential risk of ground gas (methane, carbon dioxide) being present. The Pollution Control Officer has indicated that there are no objections to the application, subject to conditions.

### **Conclusion**

The site is allocated for industrial and business uses in the Unitary Development Plan and the remainder of the industrial estate is in the process of being finalised. The principle of development is considered to be acceptable and the site is not considered



to have any higher level of future flood risk than the surroundings. The proposed design is considered to be of an appropriate scale and visual appearance with the scale and height of the proposed buildings consistent with those on adjacent plots. The proposal is considered to have an appropriate level of parking and the application is recommended for approval, subject to conditions.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **11 and 17** 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 number **11 and 17** 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)

(Drawing numbers

Location plan building 21 40479/002 Rev A

Location plan building 22 41040/002 Rev A

Site layout building 21 40479/003 Rev D

Site layout building 22 41040/003 Rev A

Floor plan and elevations building 21 40479/004 Rev C

Floor plan and elevations building 22 41040/004 Rev A

Substation elevations 40479/005 Rev A)

(received 25 April 2017, 24 July 2017)

Reason

To define the permission and for the avoidance of doubt.

03

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.

04

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

Reason

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

05

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.

06

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing floor plan and elevations building 21 40479/004 Rev C, building 22 41040/004 Rev A. 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'.

07

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated April 2017, reference AP/MW/40479 & 41040 (and subsequently updated) completed by Eastwood & Partners Consulting Engineers on behalf of E V Waddington, and the following mitigation measure detailed within the FRA:

- Finished floor levels are set no lower than 24.3m above Ordnance Datum (AOD)

as outlined in the FRA.

The mitigation measure 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

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

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

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

Reason

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

09

Prior to the occupation of the first unit, hard and soft landscaping details shall be provided showing the boundary treatment to the canal. Details shall include a landscape buffer with details of the density, height and species of planting.

Thereafter, the works shall be carried out in compliance with the approved details.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) order 2015, no other means of enclosure shall be erected without the prior approval of the Local Planning Authority.

Reason

To ensure an appropriate quality of development in accordance with Core Strategy Policy CS28.

10

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

Reason

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

11

Prior to the commencement of development all subsoils / topsoils imported to site for soil capping works shall be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing thereafter shall be presented to the Local Planning Authority in the format of a Validation Report. The development shall be undertaken in accordance with the agreed details.

Reason

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

12

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

Reason

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

13

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

#### Reason

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

14

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

#### Reason

In the interest of satisfactory and sustainable drainage

15

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

#### Reason

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

16

Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse. No surface water shall be discharged from the hardstanding areas of the site unless full details have been submitted to and approved by the Local Authority detailing the type and location of interceptors and their capacity. Thereafter, any discharge will be in accordance with the approved details. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development.

#### Reason

In order to prevent the pollution of the water environment in accordance with the aims of paragraph 109 from the National Planning Policy Framework.

17

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

- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

#### Reason

To ensure that the development can be properly drained in accordance with 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.

18

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'.

### **Informatives**

#### Environment Agency

We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding.

#### Canal and River Trust

The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust"

#### RMBC Environmental Health

1. Gas protection measures will be required for each new build and will comprise the following:
  - a) Reinforced concrete cast insitu floor slab (suspended, non-suspended or raft) with at least a lapped and taped minimum 1200g membrane; and or
  - b) a beam and block or pre cast floor slab with a lapped and taped minimum 2000g membrane; and
  - c) under floor venting or pressurisation in combination with either of (a) or (b) above depending on use
  - d) All joints and penetrations should be sealed
2. If subsoils/topsoils are required to be imported to site for soft landscaping works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a validation report.

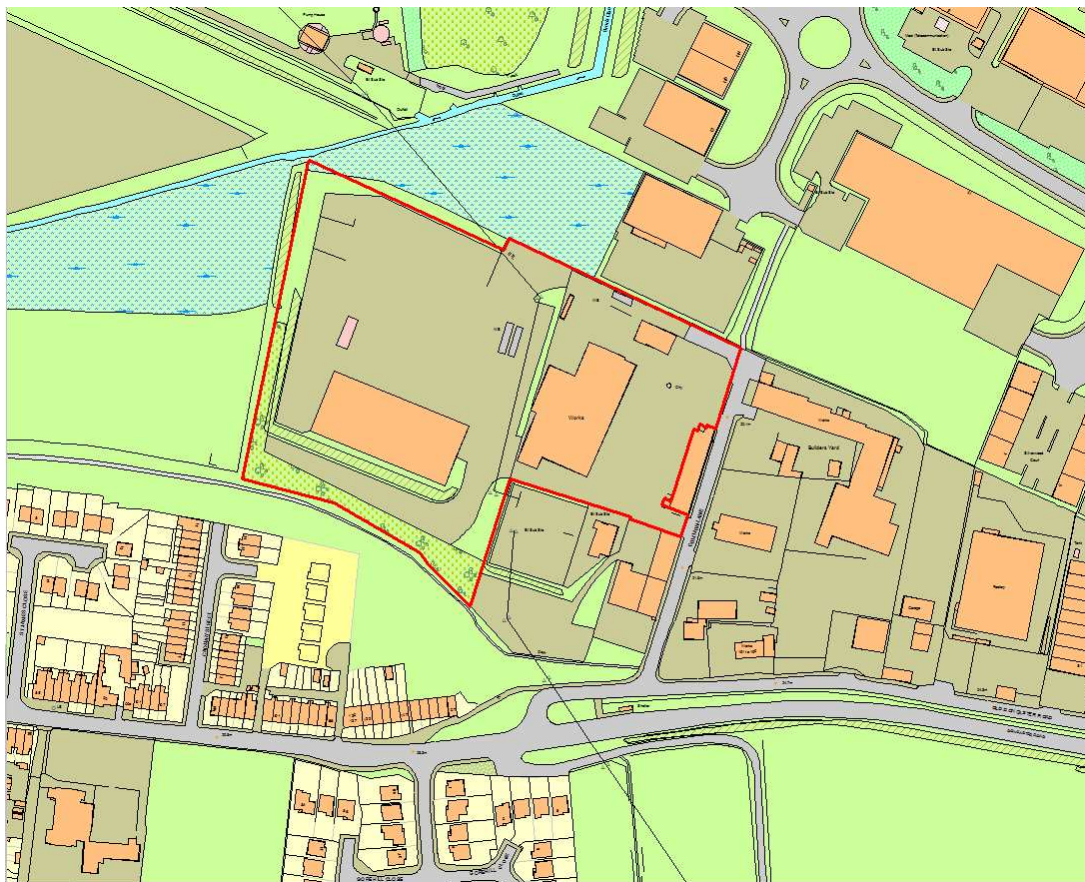
3. In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.
4. For each new build the sulphate design classification and the corresponding aggressive chemical environment for concrete (ACEC) shall be in accordance with the findings specified within the above two listed reports for all sub surface concrete and the details of shall be confirmed within a validation report.
5. Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

#### 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.

|                              |   |
|------------------------------|---|
| <b>Application Number</b>    | RB2017/0796   |
| <b>Proposal and Location</b> | Application to vary condition 16 (times heavy goods vehicles can enter and leave the site) imposed by RB2005/1533 on land at Common Lane, Wath-upon-Dearne, S63 7DX |
| <b>Recommendation</b>        | Grant Conditionally   |

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



### Site Description & Location

The site is approximately 2.7ha and consists of the former glassworks buildings adjacent to Common Lane and the existing waste transfer area. There is a screening belt of trees and shrubs along the southern boundary. Beyond the trees a public right of way runs along the outer edge of the southern site boundary. To the north the site abuts a post office depot, sewage works and land highlighted in the UDP as a strategic regeneration area. The nearest residential properties are situated on Cadman Street, approximately 25m from the site's southern boundary. The access to the site is via Common Lane and onto Doncaster Road. .



## Background

The most recent planning history can be summarised as follows:

RB2001/1491 – Use of former glassworks for crushing and screening of bricks, concrete and other demolition and excavation materials – granted with conditions.

RB2001/1494 – Use of land as recycling and waste transfer centre for material from building and demolition sites – granted with conditions.

RB2005/1533 - Use of existing inert waste recycling centre and former glassworks buildings as a non-hazardous waste recycling centre including the erection of plant and machinery – granted with conditions.

EN2016/0009 – Breach of Condition Notice served 20<sup>th</sup> September 2016 requiring that the heavy goods vehicles used in connection with the recycling operations do not enter or leave the land prior to 8am on weekdays and Saturdays. The compliance date for the notice was the 20<sup>th</sup> October 2016.

RB2016/1382 – Variation of condition 16 (times heavy goods vehicles can enter and leave the site) imposed by RB2005/1533 to allow for 7am start Monday to Saturday. – refused for following reason

“The Council considers that allowing a 7am start time for HGVs to enter or leave the application site would by virtue of the site’s proximity to residential properties, the frequency of vehicle movements and the noise levels caused, result in the loss of residential amenity and an adverse impact on quality of life of residents. The proposal therefore conflicts with Core Strategy Policy CS27 ‘Community Health and Safety’, Unitary Development Plan ‘saved’ policies ENV3.7 ‘Control of Pollution’ and EC3.5 ‘Industrial and Business Development in relation to Sensitive Areas of Land Use’, and with the aims of the National Planning Policy Framework and the National Planning Policy Guidance”

## Proposal

The applicant has again requested to vary condition 16 (times heavy goods vehicles can enter and leave the site) of RB2005/1533 due to the operational requirements of the business. The application is supported by a Planning Statement, Noise Assessment and Travel Plan.

The existing condition is as follows:

*Heavy goods vehicles shall only enter or leave the site between the hours of 0800-1800 on weekdays and 0800 - 1300 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).*

The proposed variation of condition is as follows

*Heavy goods vehicles shall only enter or leave the site between the hours of 0700-1800 on weekdays and 0700 - 1300 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).*

The Planning Statement specifies the reason why the applicant needs to be able to move vehicles out of the site prior to 8am is to allow vehicles to arrive at sites as they open, usually prior to 8am. Not being able to service sites early in the morning puts the applicant at a serious disadvantage compared with other waste recycling companies who are able to start earlier. The movements between 7 and 8am would not be additional movements, but simply a transfer of movements from 8 and 9 to an hour earlier. The applicant has also proposed within the submitted Travel Plan to restrict heavy goods vehicle movements such that the vehicles do not use the length of Old Doncaster Road to the West of Common Lane prior to 8am. All vehicles would be restricted to the length of Old Doncaster Road to the East of Common Lane in order to gain access to the B6097 Doncaster Road. The applicant will also be fitting “sleeves” to the chains of the skip lorries to mitigate against problems caused from the movements of these vehicles.

### **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)

The application site is allocated for ‘Industry 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):

CS27 ‘Community Health and Safety’

CS25 Flood Risk

CS21 Landscape

Unitary Development Plan ‘saved’ policy(s):

ENV3.7 ‘Control of Pollution’

EC3.5 ‘Industrial and Business Development in relation to Sensitive Areas of Land Use’

ENV3 ‘Borough Landscape’,

ENV3.4 ‘Trees, Woodlands and Hedgerows’

Barnsley, Doncaster and Rotherham Joint Waste Plan

WCS1 “Barnsley, Doncaster and Rotherham’s Overall Strategy for Achieving Sustainable Waste Management”

WCS6 “General Considerations for all Waste Management Proposals”

WCS7 “Managing Waste in all Developments”

### **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 27<sup>th</sup> 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 and 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**

All of the immediately surrounding properties were notified on the 26<sup>th</sup> May 2017. A site notice was erected on 15<sup>th</sup> June 2017. The application was also advertised in the Rotherham Advertiser on the 2<sup>nd</sup> June 2017.

Six letters of representation have been received objecting to the application stating the following concerns:

1. At 7am it is generally quiet and the noise of Lynskey’s lorries at this time is constant, irritating and stressful destroying the peace. Considers that at 7am they have a right not to be disturbed
2. Should not be allowed permission as the company has failed to comply with planning conditions imposed in the past.
3. If more vehicles were allowed further damage will take place at junction of old Doncaster Road and Doncaster Road and there will be a likelihood of an adverse impact on dangers to other road users.
4. Concerned regarding the vehicles causing noise, disruption and mess
5. Continuing and excessive noise from large volumes of vehicles exiting and entering the site from as early as 5.30am
6. The time taken to instigate enforcement action for previous breaches of planning
7. Negative impact caused by early morning vehicle movements on sleep patterns
8. Does not accept the findings of the noise assessment and disputes that the validity of the data as this has been compiled on behalf of the applicant. The assessment has been carried out in the vicinity of neighbouring properties but not “in” them where the impact would be different.

## **Consultations**

RMBC (Neighbourhoods): No objections subject to conditions to mitigate against the noise generated from the chains fitted to skip wagons and the restriction of vehicle movements prior to 8am to the East of the site along old Doncaster Road.

RMBC (Transportation Unit): No objections

RMBC (Drainage): No objections

## Appraisal

Where an application is made to a local planning authority for planning permission, 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 principal of the use of the site as a non-hazardous waste recycling centre has already been established by RB2005/1533. The main considerations in the determination of this application are as follows:

- The impact of increased hours on the amenity of the surrounding area
- Impact on highway safety

### The impact of increased hours on the amenity of the surrounding area

Core Strategy Policy CS27 'Community Health and Safety,' notes that "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." It goes on to note that: "New development should be appropriate and suitable for its location.

Proposals will be required to consider (amongst others) the following factors in locating and designing new development:

Whether the proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability."

In addition 'saved' UDP Policy ENV3.7 'Control of Pollution,' states: "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

Planning permission will not be granted for new development which is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place,"

Saved UDP Policy EC3.5 'Industrial and Business Development in relation to Sensitive Areas of Land Use' notes that where occupied housing is situated within close proximity to industrial use areas the development must have regard for this and designed in such a way that residential amenities are not adversely affected.

Paragraph 123 of the NPPF indicates that planning Policies and Decisions should aim to:

“Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise in new developments; Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established...”

The NPPG notes that: “Local Planning Authorities decision taking should take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur, whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved.”

The key point is that the NPPF notes that decisions on planning applications should avoid “noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.”

The site is currently in use as a waste recycling centre and HGVs leaving the site from Common Lane are able to turn right onto Doncaster Road in close proximity to numerous residential properties on both Doncaster Road and Gorehill Close. Neighbours are concerned regarding the impact of the proposed 7am start as they consider the noise of Lynskey’s lorries at this time is constant, to be destroying the peace and having a negative impact on sleep patterns.

The supporting noise assessment notes that the sound levels caused by the proposed lorry departures will be rated 3 dB to 4 dB below the existing background levels at the nearest residential properties. Using the assessment method of BS 4142 is predicted as “low impact”. The actual sound levels from the departures were predicted at 6 dB LAeq to 7 dB LAeq below the background dB LA90 values. By the assessment terms of the National Planning Policy Framework this would be predicted to achieve the Lowest Observable Adverse Effect Level (LOAEL).

Concerns have been raised by neighbours about the validity of the noise assessment and its impartiality as it has been compiled on behalf of the applicant. The assessment has been carried out in the vicinity of neighbouring properties but not “in” them where the impact would be different. The Planning Statement notes that the assessment was carried out by S & D Garritt Ltd of Wadworth, Doncaster, a highly respected local acoustic consultancy. It is not appropriate to question the professional integrity of the report and the findings are accepted as accurate. Furthermore, RMBC (Neighbourhoods) have been consulted on the application and note that the assessment was carried out using method British Standard BS4142 and have raised no concerns in this regard. They also conclude that the sound levels caused by the proposed lorry departures would be “low impact” and achieve the Lowest Observable Adverse Effect Level (LOAEL)

The applicant has stated within the Travel Plan that they are agreeable to a number of mitigation measures to minimise any impacts of lorry movements from the site. The applicant has proposed to wrap polyester sleeve/sling casing around the chains fitted to

the skip wagons and is agreeable to HGVs leaving the site turning East out of Common away from the nearest houses on Doncaster Road between 7 and 8am.

RMBC (Neighbourhoods) have raised concerns that excessive noise could be generated by the chains fitted to the skip wagons which would need to be controlled before the hours of 08:00hrs. However, no objections were made subject to conditions relating to the sleeving of the chains and the imposition of a routing agreement for the HGVs

It is considered therefore, that in view of the submitted noise assessment and the comments received from RMBC (Neighbourhoods) that allowing a 7am start time would not have any adverse impact on the amenity of neighbouring properties. Furthermore the imposition of a planning condition relating to the sleeving of the skip lorry chains and a routing agreement to direct the lorries from the site away from the nearest residential properties would ensure residential amenity is unlikely to be affected. The proposal is therefore considered to be acceptable in this regard.

#### Impact on highway safety

Concerns have been raised regarding the dangers caused to other road users by allowing a 7am start. Comments have also been received that the loads on the lorries are often not covered resulting in debris on the highway and that damage is being caused to the junction between Doncaster Road and Old Doncaster Road. There is no indication that the proposed 7am start time will result in any additional vehicular traffic to and from the site or any debris on the highway, it would merely impact on the times that the vehicles enter and leave the site, and therefore it is considered that these comments are not of any relevance to the consideration of this application.

The Council's Transportation Unit have been consulted and have raised no objections on this basis.

#### Other Matters

Neighbours have acknowledged that vehicles are currently turning east out of Common Lane and this has reduced the noise impact into properties but are concerned that vehicle movements on a public highway cannot be controlled through planning condition. The applicant has submitted a Travel Plan outlining a routing agreement to ensure vehicles turn East out of Common Lane between 7am and 8am and that all skip lorries leaving the site will have their chains "sleeved". It is considered that the measures outlined within the Travel Plan mitigate against any potential impacts of the proposal and the Travel Plan can be conditioned to any approval of Planning Permission. Paragraph 206 of the National Planning Policy Framework states that planning conditions should only be imposed where they are: (i) necessary (ii) relevant to planning and (iii) to the development to be permitted (iv) enforceable (v) precise and (vi) reasonable in all other respects. It is considered in this instance that the conditioning of the Travel Plan would meet the above tests and would therefore be fully enforceable.

Further neighbour concerns have been raised that the applicant has had little regard for planning conditions and other regulatory controls in the past, and are further concerned about the time taken to instigate enforcement action for previous breaches of planning. The Council has received previous complaints relating to breaches of planning condition restricting HGV movements to and from the site to an 8 am start.

The site has previously been monitored by the Planning Enforcement Officer and It was established that HGVs were entering and leaving the site on a regular basis prior to 8am and this resulted in the service of a Breach of Condition Notice. However, previous enforcement action would not be a consideration in the determination of this application and any conditions imposed should permission be granted for this proposal would be enforceable and action taken should breaches of planning become apparent.

## **Conclusion**

In view of the submitted noise assessment and the comments received from RMBC (Neighbourhoods) It is considered that the proposal to allow Heavy goods vehicles to enter and leave the site between the hours of 0700- 1800 on weekdays and 0700 - 1300 Saturdays would not have any adverse impact on the amenity of neighbouring properties. Furthermore the imposition of a planning condition relating to the sleeving of the skip lorry chains and a routing agreement to direct the lorries from the site away from the nearest residential properties outlined in the Travel Plan would reduce the likelihood of any loss of residential amenity. The proposal is also considered acceptable in highway safety terms.

The proposal therefore complies with the relevant policies and guidance of the NPPF, Core Strategy and UDP and for the reasons detailed in this report the application is recommended for approval.

## **Conditions**

01

The permission hereby granted shall refer to the area of land bounded by the red line on the approved site layout plan C6943/2D and accompanying report dated July 2005 and Travel Plan (10138/TMP/CJB/110817) submitted 11<sup>th</sup> August 2017.

Reason

To define the permission and for the avoidance of doubt.

02

The site shall be restricted to the handling, sorting, recycling and treatment of commercial, non-hazardous, inert construction industry materials and domestic waste only.

Reason

In the interests of local amenity, in accordance with Policies WCS1, WCS6 and WCS7 of the Barnsley, Doncaster and Rotherham Joint Waste Plan 2012, Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7 Control of Pollution

03

All processing of commercial, non-hazardous, construction industry materials and domestic waste shall be carried out within a building. No processing (including crushing and screening of inert waste) shall take place on open areas of the site at any time

Reason

In the interests of local amenity, in accordance with Policies WCS1, WCS6 and WCS7 of the Barnsley, Doncaster and Rotherham Joint Waste Plan 2012, Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7 Control of Pollution

04

There shall be no waste incineration processes carried out at the site, nor any incidental burning of waste materials.

Reason

In the interests of local amenity, in accordance with Policies WCS1, WCS6 and WCS7 of the Barnsley, Doncaster and Rotherham Joint Waste Plan 2012, Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7 Control of Pollution

05

Except in case of emergency, the sorting of waste materials shall only take place on site between the hours of 0800 to 1800 Monday to Friday and between 0800 -1300 on Saturdays. There shall be no working on Sundays or Public Holidays.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy ENV3.7 Control of Pollution.

06

All waste shall be delivered directly into the building and no waste shall be stored externally at any time

Reason

In the interests of local amenity, in accordance with Policies WCS1, WCS6 and WCS7 of the Barnsley, Doncaster and Rotherham Joint Waste Plan 2012, Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7 Control of Pollution

07

All material which has been processed within the waste processing building shall be stored in bins beneath the screen or in clearly defined bays in the area shown on the approved plan ref. C6943/2D. Individual bays shall be separated by walls (no higher than 5m) designed to prevent slumping and inter-mingling of material, and be constructed in accordance with details which shall have received the prior written approval of the Local Planning Authority.

Reason

In the interests of local amenity, in accordance with Policies WCS1, WCS6 and WCS7 of the Barnsley, Doncaster and Rotherham Joint Waste Plan 2012, Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7 Control of Pollution

08

The height of the stockpiled materials, stored within the bays, shall not exceed the height of the bay walls (5m) at any time

Reason

In the interests of local amenity, in accordance Core Strategy Policy CS28

09



Product from crushing and screening operations carried out within the former glassworks building shall be stored in Area 2 of the approved plan only. The stockpile shall be managed to prevent vehicles driving over the material and to prevent dust lift off.

Reason

In the interests of local amenity, in accordance with Policies WCS1, WCS6 and WCS7 of the Barnsley, Doncaster and Rotherham Joint Waste Plan 2012, Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7 Control of Pollution

10

Skip storage shall be restricted to the area highlighted on the approved plan as 'skip storage area' only

Reason

In the interests of local amenity, in accordance Core Strategy Policy CS28

11

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.

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

12

All lorry movements into and out of the site for the purposes of the development hereby approved shall only be via the access point at the northern end of Common Lane as indicated on the approved site location plan except as may be otherwise agreed in writing by the Local Planning Authority.

Reason

To define the access arrangements and in the interests of general highway safety

13

All vehicles entering the site importing waste materials or leaving the site with recycled materials 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

14

Heavy goods vehicles shall only enter or leave the site between the hours of 0700-1800 on weekdays and 0700 - 1300 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport). The routing of such vehicles shall be in accordance with the details contained within the Travel Plan (10138/TMP/CJB/110817) submitted on the 11<sup>th</sup> August 2017.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy ENV3.7 Control of Pollution.

15

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 noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy ENV3.7 Control of Pollution.

16

The noise levels due to normal operations between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 Saturdays shall not exceed 55dB(A) when measured at the boundary of the nearest noise sensitive properties.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy ENV3.7 Control of Pollution.

17

Operations shall be undertaken in accordance with the buildings, plant and equipment detailed in the noise assessment report dated 14.03.02 by Vibrock, ref. RO2.2484/2/PC, as amended by the 'Updated Noise Impact Assessment' dated 26 October 2004 any variation therefrom shall require submission of a report demonstrating that noise emissions from the amended building/process/plant will not increase over those currently predicted.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy ENV3.7 Control of Pollution.

18

Operations shall at all times be undertaken in accordance with the Dust Control and Monitoring Scheme submitted by The Land Development Practice, dated 4th April, 2002, ref. C6239D - Dust/CJB/HMR.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy ENV3.7 Control of Pollution.

19

The development shall proceed in accordance with the approved flood risk assessment incorporating the accepted mitigation measures into the construction of the development.

Reason

In the interests of local amenity, in accordance Core Strategy Policy CS25 Flood Risk

20

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, in accordance with Policy ENV3.7 Control of Pollution.

21

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, in accordance with Policy ENV3.7 Control of Pollution.

22

Roof drainage down water pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water / run-off.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, in accordance with Policy ENV3.7 Control of Pollution.

23

Floodlighting shall only be installed at the site with the Local Planning Authority's prior written approval.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, in accordance with Policy ENV3.7 Control of Pollution.

24

For the duration of the development hereby permitted, appropriate steps 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 Local 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 agreed with the Local Planning Authority

#### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.4 'Trees, Woodlands and Hedgerows' and Core Strategy Policy CS21 Landscape

#### 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.