

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
16 MAY, 2019**

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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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 16 MAY 2019

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.

Proposal Location	and	RB2018/1774 - Change of use to micro pub (Use Class A4) and erection of a lobby area and smoking shelter at 10C Dale Road, Rawmarsh
Recommendation		Grant subject to conditions

The application is being reported to Planning Board due to the number of objections received.



Site Description & Location

The application site sits at the head of an enclosed yard surrounded by a mix of uses including residential properties, a taxi booking office, offices and the Horse and Jockey public house. The residential properties to the rear, on Hawley Street, are at a significantly higher level. The last authorised use of the application site appears to have been as a timber and hardware store but it appears from photographic evidence to have last been in use as a garage / workshop.

Background

The following applications have been submitted historically in respect of the site

RB1987/1575 - Use as hairdressing salon & cafe & use part of outbuilding as taxi office – granted with conditions.

RA1962/0856 – Timber and hardware store - granted.

Proposal

The applicant is seeking retrospective planning permission for a change of use of 10C Dale Road, Rawmarsh to a micro pub (Class A4). It appears the last authorised use of No. 10c was as a shop and then a taxi office although it is apparent from previous applications on land to the south of the site that it was more recently used as a garage / workshop, in connection with the taxi operation.

The micro pub currently features 2 separate areas of open decking area to the front however the proposals show one area to be removed altogether and the other to be replaced with an enclosed smoking shelter which has a floor area of approximately 3.4m x 3.8m and is fully enclosed by 2m high fencing on each side. The shelter sits on a raised decking area of 0.6m in height resulting in an overall height of the shelter of approximately 2.6m from ground level, though with no roof. The shelter is to be accessed from within the building only.

The proposed lobby is situated in front of the former entrance to the garage and measures 3.5m in height from ground level, 3m in width and 2m in depth. The sides of the lobby consist of brickwork, the front glazing and a glazed door.

An existing store on the front right hand side of the building would be retained as a store.

The applicant indicates that the micro pub would be open to customers and for deliveries between the hours of 10am to 10pm, Monday to Sunday.

An area of land at the front of the building has been fenced off and would be used as the front courtyard/parking area for the building.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted June 2018).

This site falls within Mixed Use Area MU03 as defined in the Rotherham Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy

Policy CS 12 Managing Change in Rotherham's Retail and Service Centres

Policy CS28 Sustainable Design

Sites and Policies policy

Policy SP 23 Out-of-Centre Retail Parks and Other Out-of-Centre Developments

Policy SP 52 Pollution Control

Policy SP 55 Design Principles

Policy SP 65 Development Within Mixed Use Areas

Other Material Considerations

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

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

Publicity

The application has been advertised by way of a site notice and letters to immediate neighbouring properties. A petition in support has been received signed by 84 people. In addition, letters of objection have been received from the occupiers of 4 nearby properties and from Mulberry Homes, the letting agent of 2A – 2F Dale Road, and from Charlotte James Properties, the owner of the aforementioned properties. The objections are summarised as follows:

- Residents will be affected by noise especially in summer months.
- Properties will be difficult to re let.
- Anti Social Behaviour (ASB) issues are already caused by the customers of the Horse and Jockey, a further pub will exacerbate the problem.
- There is only a narrow access shared by the taxi company which is potentially a fire safety issue.
- Emergency services cannot access the pub.
- Already a micro pub on Stocks Lane approximately 200m away.
- Children are using the pub.
- Delivery vehicles will obstruct the highway creating a danger.
- Light pollution at night from the building.
- Numerous other pubs in the immediate area.
- Existing parking problems in the area will be made worse.

Two local residents, the letting agents and the two owners of the adjacent Dale Road properties, and the applicant have all requested the Right to Speak at the Meeting.

Consultations

RMBC (Environmental Health) – No objections subject to the implementation of noise mitigation measures outlined on drawing number drawing no. 2841/01 and to a no drinks policy outside of the premises.

RMBC (Transportation and Highways Design) – No objections.

Appraisal

In considering this application the main issues for determination are:

- Principle of development
- Visual impact of the development
- Impact on neighbouring amenity
- Highways issues
- Other matters

Principle of Development

This site falls within Mixed Use Area MU03 as defined in the Rotherham Local Plan. The proposed A4 use is not identified as an acceptable use within this mixed use area (Local Plan Policy SP 65 Development Within Mixed Use Areas: Table 18 Acceptable Uses Within Mixed Use Areas); however Policy SP65 states that where other uses not identified as acceptable are proposed within Mixed Use Areas, they will be considered on their merit.

The proposed use is a main town centre use as defined in the NPPF. However, as it is not within a centre a sequential test is required in order to demonstrate that the proposal satisfies Policy CS12 Managing Change in Rotherham's Retail and Service Centres. The site is however considered to be classed as edge of centre in relation to the nearby Bellows Road local centre (approximately 175m distance) as shown on the Sites and Policies document Policies Map. It is a considerable distance from Parkgate District Centre.

The proposal is approximately 92 sqm in size. Taking account of this limited scale and the likely catchment it will draw trade from, a sequential assessment is required to consider only the Bellows Road local centre. The applicant has submitted a sequential assessment on this basis which has highlighted that there are currently no alternative sites available or, likely to become available for development within a reasonable period of time, which could accommodate the proposed development in the Bellows Road local centre. It is therefore considered that the proposed development satisfies the sequential test and as such complies with paragraph 86 of the NPPF and Policy CS12 of the adopted Core Strategy.

In terms of the other general merits of this non-conforming use within the Mixed Use Area, (MU03), these are now considered in more detail.

Visual impact of the development

Local Plan Policy SP 55 Design Principles states that all forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions

In assessing the design in relation to the existing building, Core Strategy CS28 'Sustainable Design,' requires 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.

The NPPF notes at paragraph 124 that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”

Paragraph 130 states: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

The National Planning Policy Guidance further 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 proposed micro pub is the re-use of an existing building previously in use as a car repair garage. The current application proposes the addition of a lobby area forming the entrance to the premises and a smoking shelter situated immediately to the right hand side of the entrance door.

The application site is only visible from Dale Road looking directly into the access point between nos 2 and 8 Dale Road and is set back from the highway by approximately 28m. There are no windows in the rear walls of 2a to 2f Dale Road that are adjacent to the development. There are no other vantage points of the lobby or shelter from either the rear of the building or from the north of the site. It is considered that the reuse of the building as a micro pub has improved its overall appearance from its former use as a commercial garage. It is not considered that the additions would have any significant detrimental impact on nearby residents or the general streetscene.

Impact on neighbouring amenity

With regard to neighbour amenity Local Plan Policy SP52 Pollution Control states that: “Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to: (amongst others) the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development.” The Policy further adds that: “Some uses are particularly sensitive to noise. For the purposes of this policy these include, but are not restricted to: housing and residential institutions, educational establishments, care establishments such as hospitals and nursing homes, public buildings such as libraries and museums, places of worship, places of audience based recreation, offices and research establishments.”

The NPPF notes at paragraph 127 that planning policies and decisions should ensure that developments (amongst others) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF at paragraph 180 adds that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

In an appeal decision for a change of use of a shop to micro pub (APP/D2320/W/19/3219832 20 Church Street, Adlington PR7 4EX) plans proposing various measures to mitigate any noise impact on three adjacent flats, adjoined by internal party walls, were submitted. These measures included lining the party walls, installing secondary glazing to the first floor windows, and replacing the front door. The Inspector found no evidence that these measures would be inadequate. The opening hours would not be “unreasonably early or late”, and the size of the micro-pub would be “akin to its name” and would not be able to accommodate a “significant number of customers”. The appeal was allowed subject to conditions prohibiting amplified sound and outdoor seating.

As stated above the application site is situated within a mixed use area and is bounded by residential properties and an office to the south. There are further residential properties to the rear (west) situated approximately 20m away. To the north is the Horse and Jockey public house. Objections to the current proposal have been received on the grounds that local residents will be affected by noise, especially in summer months, and that anti-social behaviour (ASB) issues currently being caused by the customers of the Horse and Jockey will be exacerbated should the current proposal be granted. However the ASB issues are unsubstantiated and unrelated to the current proposal. In addition it should be noted that, other than velux windows, there are no windows on the north elevation of the flats managed by Mulberry Homes, facing into the yard area of the micro pub.

Following the concerns raised by the objectors the applicant revised the initial proposals to remove an area of decking to the left of the entrance lobby. The second area of decking to the right of the lobby is now to be fully enclosed as a smoking shelter with 2m high fencing with access only from within the building. Sound insulation measures have also been proposed by the applicant to the inside of the western wall of the premises which would reduce any noise pollution emanating from the building. RMBC (Environmental Health) have been consulted and have made no objections on the revised proposals subject to the imposition of a condition prohibiting any outside drinking at the premises. In addition, a condition is recommended that no amplified music takes place from the site.

It should be noted that when an application for 8 flats to the south was approved in 2007, a planning condition was attached requiring a noise assessment to be submitted, to include details of “any mitigating effects to be carried out in respect of noise levels

from the nearby taxi base and car repair garage.” This permission was not implemented, but indicates how long the taxi base and car repair garage had been in existence. Indeed, a subsequent application to convert and extend the building to the south into 6 flats was approved, again with the requirement for a noise assessment with details of any mitigating effects to be carried out in respect of noise levels from the nearby taxi base and car repair garage. This scheme was implemented and forms the Mulberry Homes residential site. It is considered that the uncontrolled noise from the car repairs garage would potentially have a greater impact on nearby residents than the controlled impact of noise and general disturbance from the proposed micro pub, which is of a limited size and can only accommodate limited numbers of customers.

It is accepted that there will be potential for an element of noise disturbance from customers arriving and leaving the premises. However, the imposition of the above measures and conditions to ensure no outside consumption of food or drink, the closure of all windows and doors during opening hours, and a restriction of the hours of opening of the premises, as well as prevention of any amplified music from the site, should mitigate against any significant loss of amenity to the occupants of the surrounding properties.

Highways issues

Objections have been received that there is only a narrow access shared by the taxi company which is potentially a fire safety issue, that emergency services cannot access the pub, that existing parking problems in the area will be made worse, and that delivery vehicles will obstruct the highway creating a danger. It is accepted that there is only a narrow access to the proposed micro pub with a limited parking area. There is, however, no evidence to suggest parking problems in the area will be made worse should permission for the micro pub be granted and emergency services should still be able to access the front of the building in the event of an emergency.

The NPPF at paragraph 109 states that: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” The use as a micro pub will have a limited number of customers due to its size, of which only a proportion would be driving. There is no evidence to suggest the development would have an unacceptable impact on highway safety, or that the impacts on the road network would be severe, or any worse than when the building was used as a car repair garage. RMBC(Transportation) have been consulted and have made no objections to the application.

Other issues

The letting agent and owners of the adjacent residential properties have commented that the development would lead to tenants vacating the adjoining flats and they would be difficult to re-let. However, there is no evidence that this is the case and with the implementation of the proposed noise mitigation measures and imposition of conditions should the application be approved, it is not considered that the residents would suffer any significant loss of amenity.

Objections have been raised that numerous other pubs are in the immediate area including a micro pub on Stocks Lane 200m away. The location of other pubs and the quantity of other pubs in the area is not a material consideration in determining the

current application, other than the cumulative impact on noise and parking etc which are not considered to be an issue in this location.

Local residents are concerned that children are using the pub. This would be an issue dealt with under licencing legislation and is not a material consideration in determining the current application.

An objection has been received that there is light pollution at night from the building. Any significant light pollution would be dealt with under environmental legislation. Furthermore the imposition of planning conditions restricting the closing time of the premises should help reduce any such problem.

Conclusion

Having regard to the above considerations, it is considered that the change of use to micro pub is justified subject to the imposition of planning conditions to mitigate against any potential loss of amenity to local residents through noise and disturbance. In view of the above it is recommended that planning permission be granted.

Conditions

01

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 received 5th December 2018

Location plan received 5th December 2018

Floor plans and elevations (drawing no. 2841/01) received 25th March 2019

Reason

To define the permission and for the avoidance of doubt.

02

The use hereby permitted shall only be open to customers or for deliveries between the hours of 10am to 10pm, Monday to Sunday.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Local Plan Policy SP52 Pollution Control.

03

At no time shall any consumption of food or drink take place outside of the premises.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Local Plan Policy SP52 Pollution Control.

04

Glazed units to the lobby shall be closed at all times whilst the premises are open to the public.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Local Plan Policy SP52 Pollution Control.

05

Both doors serving the lobby along with the door to the smoking shelter shall be fitted with self-closing devices. Those doors shall be maintained so that they naturally return to a closed position when not in use.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Local Plan Policy SP52 Pollution Control

06

Within 1 month of the date of the permission the existing wall to the southern elevation of the building shall be sound insulated as detailed on drawing no. 2841/01.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Local Plan Policy SP52 Pollution Control.

07

Permanent fixed signage shall be erected on all doors notifying patrons that noise should be kept to a minimum when leaving the premises.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Local Plan Policy SP52 Pollution Control

08

There shall be no amplified music from the site.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Local Plan Policy SP52 Pollution Control.

INFORMATIVES

01

In order to comply with the permission hereby granted, the smoking shelter and lobby extensions proposed should be constructed in accordance with the approved details. In addition, the unauthorised decking areas at the front of the building should be removed within 1 month of the date of this decision or formal enforcement action will be considered.

02

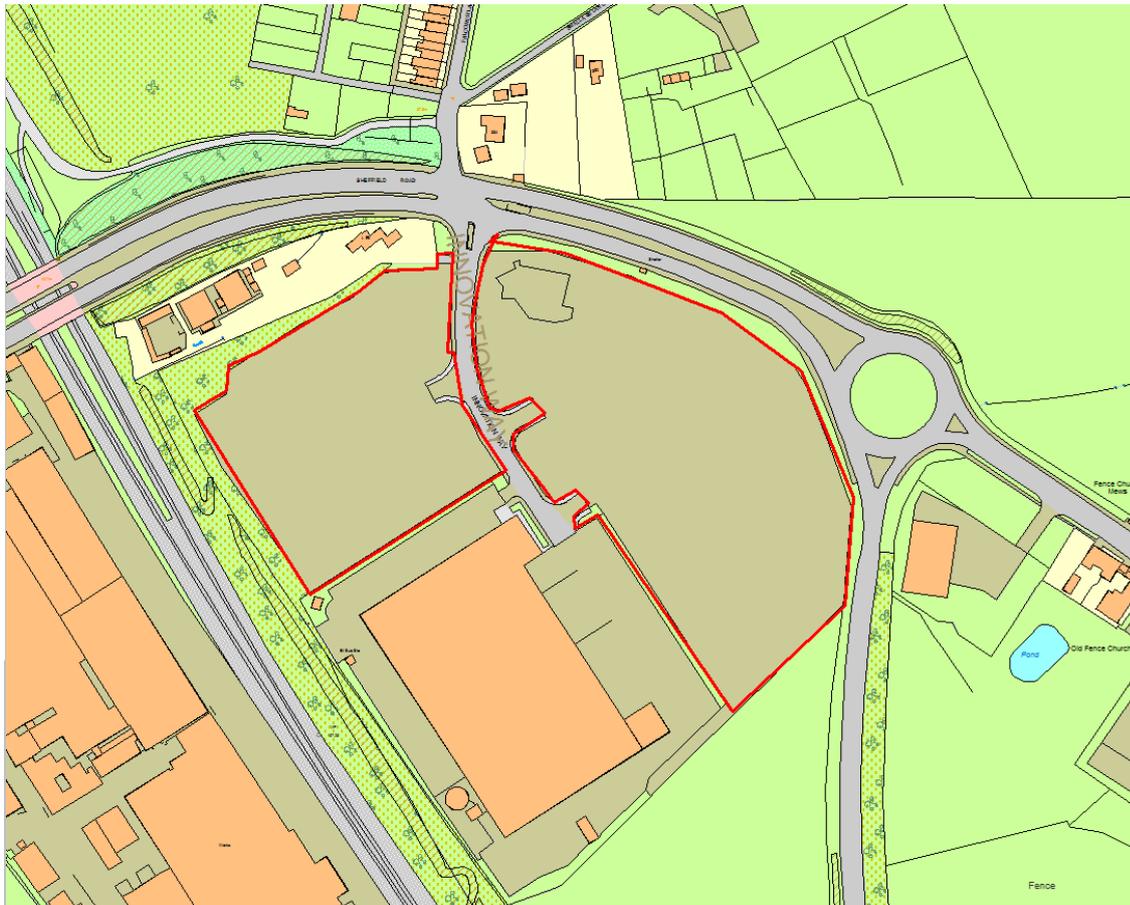
The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

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	RB2019/0311
Proposal and Location	Erection of four units totalling 10,953sqm (117,897sqft) for Use within B1(b) (Research and Development), B1(c) (Light industry), B2 (General Industrial) and B8 (Storage and Distribution), with ancillary office use, associated car parking, service areas and landscaping, 2.4m high security fencing/gates, and 2.5m acoustic fence at Plots 2 & 3 Woodhouse Link , Innovation Way, Woodhouse Mill
Recommendation	Grant conditionally

This application is being presented to Planning Board as it is a 'Major' development.



Site Description & Location

The overall site comprises approximately 6 hectares (15 acres) of a former industrial site which has been cleared of buildings, and opencast and restored under application RB2009/1155, to provide a development site. To the north the site is bounded by Sheffield Road with residential development and Green Belt land beyond. There is a single residential property and separate boarding kennels located to the west of the proposed access, between the application site and Sheffield Road. To the east is the Sheffield Road and B6200 Aston bypass roundabout junction, with land beyond allocated for commercial purposes. To the south is overgrown scrub land, also allocated for commercial purposes, whilst to the west is the existing industrial building on this overall site and the Sheffield to Lincoln railway line with industrial development beyond.

The current application site is 3.39 hectares in size and represents the remaining undeveloped area of the industrial estate.

Background

Relevant Planning History

The site of application is a vacant brownfield site, formerly used for general industrial purposes as British Coal workshops and then as a stock holder's yard, transport depot and shot blasting use.

The site has more recently been the subject of two planning applications, one for enabling works comprising opencasting of existing coal seams and remediation works to prepare the land for development (RB2009/1155). The other application was an outline application for mixed use development comprising A4 (Food and Drink), C1 (Hotel), B1 (Business), B2 (General Industrial) and B8 (storage and distribution) uses including details of access (RB2009/0119). Permission was granted conditionally in 2009 and was subject to a S106 legal agreement for the securing of a commuted sum of £16,000 to enable the relocation and improvement works to adjacent bus stops.

Further to the outline approval application RB2011/1451 was approved for details of the erection of a building to form an industrial unit with associated offices (reserved by outline RB2009/1119). This building has since been built out.

Proposal

The applicant seeks full planning permission for the erection of four units totalling 10,953sqm (117,897sqft) for Use within B1(b) (Research and Development), B1(c) (Light industry), B2 (General Industrial) and B8 (Storage and Distribution), with ancillary office use, associated car parking, service areas and landscaping.

The development is designed to accommodate a mix of B1(b), (c) / B2/B8 with ancillary B1(a) office space use classes. All units have been designed to consider and accommodate appropriate supporting infrastructure by way of service yards for HGV loading and unloading and car parking areas for staff and visitors.

Unit 1 would be approximately 4,299sqm and provided with 83 parking spaces.

Unit 2 would be approximately 1,470sqm and provided with 29 parking spaces.

Unit 3 would be approximately 2,660sqm and provided with 53 parking spaces.

Unit 4 would be approximately 1,825sqm and provided with 30 parking spaces.

The units are laid out to avoid 4 existing capped mine shafts and a 'high wall' that runs under the site.

2.4m high paladin security fencing/gates are proposed around and within the site. In addition the applicant has agreed to a 2.5m high acoustic fence to the north of Unit 2 to minimise noise and disturbance to nearby dwellings.

The application is supported by the following documents:

Planning Statement

This notes that whilst the need to retain access to the southern part of the allocation is noted as a guideline for the development of the Site, in reference to Allocation E29, the development of the Home Décor premises, in accordance with the 2011 and 2009 approvals, prevents such an access into the southern area being achieved. There is also a significant difference in levels of at least 3.75m (5m in some areas) along the southern boundary of the Site, with the land to the south, which results in making this technically very difficult to achieve, given the existing constraints such as the location of the four mine shafts and high walls within the Site. Furthermore, this area of land has not been promoted by a willing landowner, as part of the Core Strategy or Local Plan, and as such may not come forward for development. Consequently, the development of the Home Décor facility has compromised the ability to join the northern and southern parts of the site which along with the technical issues and lack of willing land owner make this guideline unable to be delivered.

Design and Access Statement

The Design & Access Statement indicates that the following materials will be used:

- 1: Composite Metal Cladding Panel.
- 2: Horizontal Trapezoidal profiled metal cladding.
- 3: Polyester powder coated aluminium glazing.
- 4 : Cantilever glass canopy.
- 5: Polyester powder coated aluminium feature fascia/gutter.

In terms of landscaping the Design & Access Statement indicates that the landscape strategy will focus on predominantly native species to create a simple hierarchy of design elements and help support the creation of a development with positive environmental credentials. It adds that structure will be created through the use of native tree species and hedge planting, supplemented with ornamental planting beds to promote bio-diversity through the introduction of a variety of locally occurring habitats. Access roads will be bounded by mown grass verges and ornamental planting contained through the use of simple, species rich hedge planting to define the circulation corridors.

Flood Risk Assessment

The development site is shown on the EA Statutory Flood Maps for Planning as being entirely within Flood Zone 1.

The proposed development is classed as 'Less Vulnerable' according to Table 2 of the PPG (Flood Risk & Coastal Change).

Surface water flooding and potential off-site flows present the main flood risk to the site over the 60year life of the development.

The application site is at low risk of flooding from rivers, sewers and reservoir failure.

Ecological Survey

Protected species are a material consideration when a planning authority is considering a planning application. The presence of protected species, the effect of the proposed development and suitable mitigation, if required, must be established before planning permission can be granted. Following the findings from the Extended Phase 1 Habitat Survey, the following may be required:

- Nesting Birds - If any work to the scrub or trees needs to be carried out within the bird nesting season (generally March to August) a nesting bird survey will be required by experienced personnel immediately prior to work commencing.
- Badger – Whilst no disturbance to a Badger sett will take place, the works within the western edge of the site should be undertaken with care, under the conditions of an ecological watching brief if necessary.

If a protected species is found during site clearance or construction, work must temporarily cease and an experienced ecologist be contacted for advice.

The landscaping plan includes a variety of new species-rich habitats to be created. The ornamental planting includes native and non-native flowering perennial species which will provide a pollen and nectar source for invertebrates. The new woodlands and hedgerows will provide nesting habitats for birds and foraging and commuting habitat for bats.

Tree Survey

The tree survey and assessment resulted in the BS5837 quality/retention categories of 'B - moderate' and 'C - low' being attributed to trees/tree groups as well as those categorised as 'U' for either small scale trees or those dead, dying or dangerous trees which may need to be removed.

For the most part, the site is void of trees internally, with sapling and regenerative growth, scrub and weed growth at the spoil pile locations, and scraped bund soil piles at the periphery. The established and larger scale tree stock is concentrated at the site boundaries, with some performing functionally as part of dense evergreen planting, and some species broadleaf planting.

Noise Impact Assessment

Noise intrusion assessments of the deliveries and car parking have shown that LAeq and LAmx noise levels from deliveries are predicted to be within the BS 8233:2014 criteria at all nearby sensitive receptor locations. A background noise level comparison has also been undertaken in accordance with BS 4142:2014 and predicted delivery noise levels at all receptors fall within +5dB of background noise levels and below the LOAEL during the daytime and night-time periods. As such, deliveries / servicing are expected to have a low impact during either daytime or night-time periods. Therefore, considering the NPPF test in section 170 (e), the proposed development is not expected to have an 'adverse impact' on health or quality of life

The development is not considered to have any 'adverse impacts on health and quality of life' (relating to noise). However, in order to enable a more sustainable method of distributing goods, deliveries should be undertaken in accordance with the DfT Quiet Deliveries Good Practice Guidance – Key Principles and Processes for Retailers: April

2014. Additionally, baseline noise measurements have been undertaken to provide indicative design noise levels in relation to noise generation from building services plant. The specified plant noise criteria are achievable.

An assessment of the existing tranquillity level of the site has been undertaken and identified that the site is not highly prized for its tranquillity and recreational value in terms of noise whilst no existing businesses would not be restricted by the proposed development.

Geo Environmental Survey

Based on the information consulted, it is considered that, currently, there is a low risk that the coal mining legacy presents a land stability hazard for this development site. Should further investigations be undertaken at the site at depths greater than that previously remediated (i.e. >20m bgl), a licence to disturb Coal Authority mining interests should be obtained from the Coal Authority. The works must be conducted in accordance with the terms of the permission granted.

Travel Plan

The applicant's travel plan recommends the following measures:

- Appoint a Travel Plan Co-ordinator (TPC).
- Encourage and Promote Sustainable Travel.
- Travel Information Packs.
- Travel Survey.
- Secure Cycle Parking

Transport Statement

The proposed development has the potential to generate up to 107 vehicle movements in the AM peak hour and up to 88 vehicle movements in the PM peak hour. This equates to less than 2 vehicle movements per minute during peak periods. It is evident that the development proposals would result in immaterial traffic increases during AM and PM peak hours.

A junction capacity assessment has been carried out of the Sheffield Road / Falconer Lane / Innovation Way signalised junction. The results show that the impact of the development is immaterial and with the development in place, the junction will operate with at least 32.5% spare capacity.

The development would generate low levels of traffic. Therefore, there are no traffic impacts which place the proposals contrary to the associated test of acceptability as defined at Paragraph 109 of the NPPF. The residual cumulative impacts of the development are clearly not 'severe' and thus the proposals accord with the transport planning requirements of the NPPF.

Air Quality Assessment

Prior to the implementation of appropriate mitigation measures, the potential impact significance of dust emissions associated with the construction phase of the proposed development has potential as 'high' at some worst affected receptors without mitigation.

However, appropriate site-specific mitigation measures have been recommended based on Section 8.2 of the IAQM Guidance on the Assessment of Dust from Demolition, Earthworks, Construction and Trackout. It is anticipated that with these appropriate mitigation measures in place, the risk of adverse effects due to emissions from the construction phase will not be significant.

All modelled existing receptors are predicted to meet the AQO for NO₂ for the 'do minimum' and 'do something' development scenarios.

The 2019 assessment of the effects of emissions from the proposed traffic associated with the scheme has determined the maximum predicted increase in the annual average exposure to NO₂ at any existing receptors, due to changes in traffic movements associated with the development, is 0.46 µg/m³ at 609 Retford Road (R13). BREEAM New Construction 2018 (Simple Building) Pre-assessment Report

This concludes that based on the outline design, the development could achieve a score of 61.42%, which equates to a BREEAM Very Good rating.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted on 27th June 2018) which replaces the Unitary Development Plan (UDP) that has now been superseded.

The application site is allocated for Industrial and Business Use within the Local Plan (Site Allocation E29). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS9 Transforming Rotherham's Economy
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk
- CS26 Minerals
- CS27 Community Health and Safety
- CS28 Sustainable Design
- CS30 Low Carbon & Renewable Energy Generation
- CS33 Presumption in Favour of Sustainable Development

The Sites and Policies Document – June 2018:

- SP1 Sites Allocated for Development
- SP16 Land Identified for Industrial and Business Uses
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP35 Protected and Priority Species

SP36 Soil Resources
SP42 Archaeology and Scheduled Ancient Monuments
SP43 Conserving and Recording the Historic Environment
SP47 Understanding and Managing Flood Risk and Drainage
SP52 Pollution Control
SP54 Contaminated and Unstable Land
SP55 Design Principles
SP56 Car Parking Layout
SP57 Sustainable Construction

Joint Waste Core Strategy
WC27 Managing Waste in all Development

Other Material Considerations

Council's Car Parking Standards

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. It was last updated on 17th September 2018.

National Planning Policy Framework: The NPPF was amended in February 2019. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that: "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

The Local 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 in the press as a major development, on site by 2 site notices, and by individual neighbour letters. No representations have been received.

Consultations

RMBC – Transportation Infrastructure Service: Accepts the findings of the Transportation Assessment and the proposed Travel Plan. Recommends appropriate conditions with any permission.

RMBC - Tree Service Manager: No objections subject to appropriate condition.

RMBC - Landscape Design: No objections to amended plans

RMBC – Drainage: No objections subject to appropriate conditions

RMBC – Ecologist: No objections subject to relevant conditions

RMBC - Environmental Health (Noise): No objections subject to appropriate conditions relating to an acoustic fence and dust.

RMBC - Environmental Health (Air Quality): No objections subject to electric charging points

RMBC – Environmental Health (Land Contamination): No objections subject to standard conditions.

Environment Agency: No objections subject to an informative.

Sheffield Area Geology Trust: No impact from the proposed development upon any geological assets in the Rotherham area.

South Yorkshire Mining Advisory Service: No objection subject to Coal Authority Standing Advice.

Coal Authority: No objection to the proposed development.

South Yorkshire Archaeology Service: Notes that the site is a former open cast mine, as such 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 –

- The principle of the development
- Design, layout and scale
- Transportation issues
- Drainage and flood risk issues
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Impact on existing residents.
- Heritage issues

The principle of the development

Policy SP1 'Sites Allocated for Development' sets out sites that are allocated for development and contribute to meeting requirements, and provides 'Site development

guidelines' which identify specific principles for these sites, which should be taken into consideration in any proposed development. The proposed site is identified as E29 and the relevant site development guidelines for this site will be discussed in more detail below.

Policy CS1 'Delivering Rotherham's Spatial Strategy' state, in part, that "Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. The Core Strategy identifies Dinnington as a principal settlement for growth". Dinnington is a Principal settlement for growth which, along with Anston and Laughton Common, is to provide 38 hectares of employment land.

Policy CS3 'Location of New Development' states, in part, that: "In allocating a site for development the Council will have regard to relevant sustainability criteria, including its (amongst other things):

- a. status as previously-developed (brownfield) land;
- c. access to public transport routes and the frequency of services;
- d. potential to relieve deprivation;
- f. effect on other environmental matters;
- g. potential to maintain and create links to green infrastructure."

Policy SP16 'Land Identified for Industrial and Business Use' states: "Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposals satisfy the requirements of Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy. Other uses will be considered on their merits in line with Policy SP17 'Other Uses within Business, and Industrial and Business Areas.'"

The application proposal is for B1(b) (Research and Development), B1(c) (Light industry), B2 (General Industrial) and B8 (Storage and Distribution), with ancillary office use on this site which is allocated for Industrial and Business use within the Local Plan. In accordance with policy SP16, all such uses are permitted. Whilst the proposal is speculative in nature it is considered that the proposal is acceptable in principle and will contribute towards employment growth targets in the locality. In this respect the proposal is considered to comply with the above relevant Local Plan policies.

Design, layout and scale

Policy CS28 'Sustainable Design' states, in part, 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."

SP55 'Design Principles' states that: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including

alterations and extensions to existing buildings. Proportionate to the scale, nature, location and sensitivity of development.”

CS30 ‘Low Carbon & Renewable Energy Generation’ states that:

“1 Energy Developments should seek to reduce carbon dioxide emissions through the inclusion of mitigation measures in accordance with the following energy hierarchy:

- a. Minimising energy requirements through sustainable design and construction;
- b. Maximising Energy Efficiency;
- c. Incorporating low carbon and renewable energy sources.

Developments will be supported which encourage the use of renewable, low carbon and decentralised energy. All development should achieve, as a minimum, the appropriate carbon compliance targets as defined in the Building Regulations.”

SP 57 ‘Sustainable Construction’ states that: “To enable high quality, functional and sustainable design to be clearly embedded in future development, proposals will need to be designed to withstand and adapt to the predicted impacts of climate change. The evidence supporting the planning application should be proportionate to the scale of the development and:

- a. identify how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;
- b. meet the relevant BREEAM ‘very good’ standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable;
- c. demonstrate how the installation of integrated renewable and low carbon energy technologies in new and existing non-residential developments, in order to off-set CO2 emissions and mitigate the impacts of climate change, has been assessed and included within the development unless it can be demonstrated that it would not be technically feasible or financially viable. These could include (but are not limited to):
 - i. solar thermal
 - ii. solar photovoltaic
 - iii. biomass boilers
 - iv. ground source heat pump
 - v. wind turbines
 - vi. combined heat and power schemes & associated infrastructure

This policy should be read in conjunction with Policy WCS 7 ‘Managing waste in all developments’ of the Barnsley, Doncaster and Rotherham Joint Waste Plan (March 2012) regarding the management of waste products arising from the development and future occupation and Policy SP 36 ‘Soil Resources’.”

The application proposes 4 industrial buildings set off the main central spine road, positioned to accord with the former open cast mining activity on site so as to avoid mine shafts and the ‘high wall’. Their layout is appropriate and in keeping with a modern industrial estate setting.

Whilst the buildings are relatively large, their design is considered to be appropriate on this site, and the proposed landscaping scheme provides some screening and softens

its appearance. The use of high quality materials will also assist in providing an appropriate development on this site with the proposed materials of profiled steel cladding providing a modern and contemporary finish.

The agent has submitted a pre assessment BREEAM report, a condition has also been attached requiring the building to achieve BREEAM Very Good, or to submit technical/financial viability information to demonstrate why it cannot.

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 relevant Local Plan policies above.

Transport issues

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

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed."

Policy SP26 'Sustainable Transport for development' states, in part, that "Development proposals will be supported where it can be demonstrated that:

- a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;
- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;
- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access."

SP 56 'Car Parking Layout' states that: "In terms of car parking, layouts must be designed to:

- a. reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street;

- b. discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway; and
- c. ensure in-curtilage / on plot parking does not result in streets dominated by parking platforms to the front of the property or large expanses of garage doors fronting the street.”

The NPPF further notes at paragraph 108: “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

Paragraph 109 states: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Paragraph 111 goes on to note that: “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

The Transportation Assessment (TA) submitted in support of the proposal has been reviewed and its conclusion that the residual cumulative impacts of the development traffic will not be severe is accepted. The site is well located for pedestrians and to encourage trips by cycle. Public transport provision is good with bus stops near to the site providing services to and from Sheffield, Aston and Dinnington. A draft Travel Plan has been submitted which encourages sustainable modes of transport. There are bus stops on the A57 within walking distance which makes the site accessible. As each unit will be let to an unknown future occupier a condition has been attached requiring a final Travel Plan for each individual unit.

With regard to the proposed site layout, it is noted that part of the proposed estate road is intended to be adopted. However, the alignment and turning head are substandard and not suitable for adoption. Accordingly, all of the proposed estate road would remain private. One of the existing entrances within the estate is to be removed. This will require a Stopping Up Order under S247 Town and Country Planning Act, 1990.

The application proposes 195 car parking spaces which are considered to be acceptable for the development proposed in this location. There is a pedestrian access from the estate road to allow for safe pedestrian access. Cycle provision would be provided as part of the proposed travel plan for each unit.

The Site Development Guidelines for E29 set out in the adopted Local Plan state that development proposals will be required to ensure that a means of access is retained to the southern part of the site to enable development on the adjacent land, also allocated for commercial purposes. The TA submitted with the application points out that access to the land to the south with development potential is not to be accessed via Innovation

Way. This is due to a significant change in levels between the two parcels of land and the position of first phase Home Décor which has prevented access to the adjoining parcel of land.

In this respect, a Technical Advice Note has been submitted which considers how access could potentially be derived to this land from a new access to B6200, designed to Design Manual for Roads and Bridges standards. The Council accepts the conclusion of the Advice Note in principle and it would be for a future TA to consider this in more detail when the nature and scale of development is known.

It is therefore considered that the proposal is acceptable from a highway safety aspect and is in accordance with the above relevant Local Plan policies.

Drainage and flood risk issues

Policy CS24' Conserving and Enhancing the Water Environment' states: "Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:
 - i. the natural geomorphology of watercourses,
 - ii. water quality; and
 - iii. the ecological value of the water environment, including watercourse corridors;
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,
- e. dispose of surface water appropriately according to the following networks in order of preference:
 - i. to an infiltration based system wherever possible (such as soakaways)
 - ii. discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)
 - iii. discharge to a public sewer."

Policy CS25 "Dealing with Flood Risk" states, in part, that: "Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall."

Policy SP47" Understanding and Managing Flood Risk and Drainage" states, part, that:

"The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows

for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;

b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) inappropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and

c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.”

Paragraph 163 of the NPPF notes in part that: “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.”

The application was supported by a Flood Risk Assessment and drainage details. These details were considered to be acceptable, and to be in compliance with the above relevant policies.

Ecology/Biodiversity matters

In assessing these issues, Policy CS20 ‘Biodiversity and Geodiversity,’ notes in part, 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.”

Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states, in part, that: “Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,” and adds that: “Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes.”

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

a. Protected species;

b. Species of principal importance for the conservation of biodiversity;

c. Species prioritised for action within the Rotherham Biodiversity Action Plan;

d. Populations of species associated with statutorily protected sites. Measures to mitigate and, or compensate for, any impact must be agreed prior to development commencing and should be in place by the time development is brought into use”.

The NPPF further advises in part of paragraph 170 that: “Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

The application was supported by an extensive Ecological Survey, which has been assessed by the Council’s Ecologist who is happy that the assessment was undertaken at the correct time of year, and that relevant species have been identified within the report. The Council’s Ecologist recommends appropriate conditions to ensure that birds & badgers are protected during construction.

Policy SP36 ‘Soil Resources’ states, in part, that: “Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority..... Built development should be designed and sited with an appreciation of the relative functional capacity of soil resources and threats to soils with the aim of preserving or enhancing identified soil functions. Measures to incorporate green space and sustainable drainage elements that retain permeable surfaces, allow water infiltration, reduce soil erosion and maintain natural soil functions will be supported. Measures that waste soil resource, reduce soil quality, compact or pollute soils or that create a predominantly impermeable surface should be avoided.”

In this instance the site is a former open cast mine and as such not quality soils remain on site. As such no specific soil condition is required.

With this in mind it is considered that the proposals accord with relevant Local Plan Policies as well as guidance within the NPPF.

Landscape and trees matters

CS19 ‘Green Infrastructure’ states that “Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas.

A net gain in Green Infrastructure will be realised through the protection and enhancement of existing assets and the creation of new multifunctional areas, assets and linkages to include promoting: recreation and tourism, public access (including walking and cycling), green education, biodiversity (incorporating the promotion of ecological networks and habitat connectivity), public health and wellbeing, water management, the protection and enhancement of the local and national landscape character area and historic assets, the mitigation of climate change, green economic uses and sustainable land management.

Action will be targeted to the safeguarding and enhancement of functions and assets of the Strategic Green Infrastructure Corridors and any future refinement work and the delivery of objectives and actions identified in local and sub-regional Green

Infrastructure Strategies. This will include long term management and maintenance of these assets.

Developer contributions will be used to facilitate improvements through quality, robustness, establishment, enhancement, and the ongoing management of Rotherham's Green Infrastructure, investing in enhancement and restoration where opportunities exist and the creation of new resources where necessary.

Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- a. Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.
- b. Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.
- c. Investment in Green infrastructure will be prioritised to increase functionality of individual assets and safeguard existing functions, such as habitats for wildlife.
- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.
- e. Supporting ecosystem services, including the use and management of Green Infrastructure areas to reduce the impacts of climate change, using vegetation to cool the environment, provision of new open space to remedy the need for natural and semi natural flood storage and managing surface water to ensure landscape change impacted by climate change has long term benefits.
- f. Promoting design which replicates or incorporates natural processes for river morphology and water storage along the regionally important rivers Don, Rother and Dearne.
- g. Promoting innovative development which manages quantifiable risks such as flooding.
- h. Assisting with the integration of new development into the natural and historic environment.”

Policy CS21 'Landscapes,' states, in part, that: “New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.”

Policy SP32 'Green Infrastructure and Landscape' goes on to state in part that: “The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users.”

The application site is located within the Rother Green Infrastructure Corridor and the application has been supported by landscape details. The overall planting scheme is considered to be appropriate and will contribute positively to the development and the surrounding area.

A Tree Survey was submitted in support of the application which has been assessed by the Council's Tree Consultant. The proposal will see a large amount of tree removals from the site, particularly around the boundary of the site. These will include the removal of 3 B class trees (usually recommended for retention), which consists of approximately 70+ cypress trees that are approximately 15 metres tall and provide a significant screen to the site. Their loss has therefore been mitigated with an amended landscaping plan showing new tree planting to compensate for the loss.

It is therefore considered that the proposed landscape and tree details are acceptable, and are in compliance with the above relevant Local Plan policies.

General amenity issues – contaminated land, noise and air quality

Policy CS27 'Community Health and Safety' states, in part, that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

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."

Policy SP52 'Pollution Control' states that: "Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to:

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals."

Policy SP54 'Contaminated and Unstable Land' states that: "Where land is known to be or suspected of being contaminated, or development may result in the release of contaminants from adjoining land, or there are adverse ground conditions caused by unstable land, development proposals should:

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse or ground water;
- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”

In relation to noise impacts, the application is supported by a noise assessment, and further information in the form of a night time noise assessment was requested. The proposal is for a speculative development for uses within Uses Classes B1, B2 or B8, and for this reason the development has been assessed taking into account the worst case scenario.

In this regard the Environmental Health Officers have recommended an additional acoustic fence to the north of unit 2 to reduce noise from the service yard which will potentially operate 24/7. This fencing has been conditioned along with a dust condition to minimise dust on adjoining properties.

In respect of land contamination the applicants have submitted a Phase 2 Geo-Environmental Investigation and Assessment Report which has been assessed by the Environmental Health Section. There are no objections subject to appropriate conditions.

In relation to Air Quality issues, an Air Quality Assessment has been submitted which looks at the Air Quality impacts of the proposal through the construction and operational phases on local air quality.

The construction of the development would have the potential to generate fugitive dust from construction activities and changes in air quality because of exhaust emissions from plant and construction vehicles. The main likely effects on local air quality during construction relates to dust. A range of measures to minimise or prevent dust would be implemented and it is considered that both prior to and following mitigation, the effects from nuisance dust emissions would not be significant.

Emissions from construction vehicles would be small in comparison to the emissions from the large volume of vehicles travelling on roads in the surrounding area of the site and would not significantly affect air quality.

Emissions from plant operating on the site would be very small in comparison to the emissions from traffic movements on the roads adjacent to the site. It is therefore considered that the likely effect on local air quality from plant would not be significant.

Modelling has been carried out to predict the likely changes in local air quality following the completion of the development. The impact on local air quality has been predicted at existing sensitive receptor locations surrounding the site. Following completion of the development (which considers no future reductions in NO_x and NO₂), it is considered that the overall effect of the development is not significant.

The Assessment includes the following mitigation measures –

- A Travel Plan
- Cycle parking
- electric car charging points at 8% provision

The Council's Air Quality Officer has assessed the submitted information and subject to the mitigation measures proposed has no objections. It is therefore considered that in relation to Air Quality issues the proposal is in accordance with the relevant Local Plan policies.

Impact on existing residents

SP55 'Design Principles' states, in part that: "the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."

The South Yorkshire Residential Design Guide (SYRDG) notes that: in respect of ensuring adequate levels of daylighting, distances should, as appropriate to specific circumstances, be limited by the 25 degree rule.

Further to the above the NPPF at paragraph 127 states, in part, that planning decisions should ensure that developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

It is noted that there is only one dwelling within the immediate vicinity of the site. The applicant has specifically positioned Unit 1 so as not to abut the neighbouring residential dwelling. The property will adjoin a car park with an element of landscaping so as to minimise any visual impact.

In relation to the impact of the development in terms of noise and disturbance this is covered above and it is concluded that with suggested conditions there would be no significant adverse impact on the residential amenity of the nearby occupiers.

Heritage issues

Policy CS23 'Valuing the Historic Environment' states, in part, that "Rotherham's historic environment will be conserved, enhanced and managed in accordance with principles set out"

Policy SP43 'Conserving and Recording the Historic Environment' states, in part that: "Development proposals that affect known or potential heritage assets will need to provide supporting information in sufficient detail that the impact of the proposed scheme on those heritage assets can be established....., Heritage Statements should consider the impact of the specific development proposed with regard to: the setting of heritage assets on or in the vicinity of the site; detailed archaeological assessment; and the results of field evaluation."

It is noted that the site is not located within or adjacent to a Conservation Area, nor is it located close to any Listed Buildings.

SP42 'Archaeology and Scheduled Ancient Monuments' stated, in part that "Development proposals that may impact upon archaeology, whether designated as a

Scheduled Ancient Monument or undesignated, will be considered against the following principles:

- a. development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted;
- b. the preservation of other archaeological sites will be an important consideration.

When development affecting such sites is acceptable in principle, the Council will seek preservation of remains in situ, as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for archaeological recording to ensure an understanding of the remains is gained before they are lost or damaged, in accordance with Policy SP 43 'Conserving and Recording the Historic Environment'.

The Site Development Guidelines for E29 set out in the adopted Local Plan require the proposal to be supported by a Heritage Statement for Archaeology. The applicant's Heritage statement highlights a nearby Listed building Falconer Farm which is set significantly away so as not to be harmed by the development. South Yorkshire Archaeology Service (SYAS) have commented that due to the previous mining activity there is little or no archaeological potential. They therefore have no objections to the proposed development, and it is considered to comply with the above relevant Local Plan policies.

Conclusion

The site is allocated for Industrial and Business Use within the Local Plan and it forms the Employment Site E29 and as such, the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, drainage, ecology and landscaping as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of generating employment within the Borough.

Overall the scheme is considered to be in accordance with the development plan and with the policies in the NPPF.

Conditions

Article 35 of the Development Management Procedure Order 2015 requires that, where planning permission is granted subject to conditions, the decision notice must state clearly and precisely the full reasons: (i) for each planning condition; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. The reasons for each condition are provided below. Condition numbers 12, 13, 17, 20 & 21 of this permission are pre-commencement condition (since they require matters to be approved before development works begin). These are justified as being pre-commencement condition 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 conditioned numbered 12, 13, 17, 20 & 21 are fundamental to the acceptability of the development and the nature of the further information required to satisfy this condition is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

General

01

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

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to assist in the delivery of development.

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)

Amended Site plan SKA01 P2 (Received 12 March 2019)

Amended Block Plan 2017-088/001 H(Received 30 April 2019)

Unit 1 Floor Plans 2017-088/051 A (Received 21 Feb 2019)

Unit 2 Floor Plans 2017-088/052 A (Received 21 Feb 2019)

Unit 3 Floor Plans 2017-088/053 A (Received 21 Feb 2019)

Unit 4 Floor Plans 2017-088/054 A (Received 21 Feb 2019)

Unit 1 Elevations 2017-088/011 (Received 21 Feb 2019)

Unit 2 Elevations 2017-088/021 (Received 21 Feb 2019)

Unit 3 Elevations 2017-088/031 (Received 21 Feb 2019)

Unit 4 Elevations 2017-088/041 (Received 21 Feb 2019)

Unit 1 Roof Plan 2017-088/012 (Received 21 Feb 2019)

Unit 2 Roof Plan 2017-088/022 (Received 21 Feb 2019)

Unit 3 Roof Plan 2017-088/032 (Received 21 Feb 2019)

Unit 4 Roof Plan 2017-088/042 (Received 21 Feb 2019)

Amended Landscape Plans 2017-088/901, 902, 903, 904, 905, 906, Rev D (Received 26 April 2019)

Boundary Treatment Plan 2017-088/803 (Received 21 Feb 2019)

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 drawings. 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 Local Plan Policy

04

The boundary treatment shall be provided on site in accordance with the approved Proposed Fence Layout Drawing No. 2017-088/803 before the development is brought into use.

Reason

In the interests of the visual amenity of the area.

Transportation/Sustainability

05

Before the development is brought into use, that part of the site to be used by vehicles shall be properly 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 in accordance with the Local Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

06

Before each Unit is brought into use, a Travel Plan for that Unit shall have been submitted to and approved by the Local Planning Authority. The Plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation. The approved details shall be implemented in accordance with the approved programme of implementation.

Reason

To promote sustainability in accordance with the Local Plan and the NPPF.

07

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

Reason

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

08

The electric charging points shown on drawing No. 2017-088/001 H shall be provided prior to the occupation of each unit.

Reason

To promote sustainability in accordance with the Local Plan and the NPPF.

09

The sight lines indicated on the attached copy plan shall be provided and thereafter maintained at the site accesses, the areas denoted shall remain clear of all obstructions to visibility in excess of 900mm in height measured above the nearside road channel.

Reason

In the interest of highway safety

10

The existing vehicular access to Unit 1 shall be permanently closed and the kerblineline/footway reinstated prior to the occupation of the unit.

Reason

In the interest of highway safety

General Amenity

11

Prior to the occupation of Unit 2, details of a 2.5m high acoustic fence to the northern side of the service yard shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To protect the amenity of nearby residents in accordance with relevant policies within the Local Plan.

12

Prior to development commencing an Intrusive Site Investigation will be undertaken to confirm the ground/groundwater contamination status and ground gassing regime across the site and to determine fully the geotechnical constraints that may be present at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

Reason

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

13

Subject to Condition 12 above and prior to development commencing, a Remediation Method Statement shall be provided and approved by this Local Planning Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site

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

Reason

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

14

Subject to Condition 12, in the event that gas protection measures are required for any new builds then a detailed specification of the gas protection measures to be installed will be forwarded to this Local Planning Authority for review and comment.

Reason

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

15

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

Reason

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

16

In the event that during development works unexpected significant contamination (including asbestos containing materials) 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.

Reason

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

17

Prior to development suitable water supply pipes will need to be specified and approved in writing by this Local Planning Authority to ensure resistance from chemical attack from residual contaminants remaining in the ground.

Reason

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

18

Prior to the use of concrete on site a design sulphate classification and corresponding aggressive chemical environment for all sub surface concrete should be submitted to and agreed in writing by the Local Planning Authority.

Reason

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

19

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

Reason

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

20

Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- measures to deal with dust;

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

Ecology

21

If any work to the scrub or trees needs to be carried out within the bird nesting season (generally March to August) prior to work commencing a nesting bird survey should be submitted to and approved by the Local Planning Authority.

Reason

To ensure that the biodiversity interest on the site is protected and enhanced in accordance with the Local Plan.

Landscaping and Trees

22

Landscaping of the site as shown on the approved plan (drawing nos. 2017-088/901, 902, 903, 904, 905, 906, Rev 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 the Local Plan.

Drainage

23

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved 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 the Local plan and the NPPF.

Sustainability

24

The building hereby approved shall be designed and constructed to achieve BREEAM Very Good rating as a minimum unless it can be demonstrated that it would not be technically feasible or financially viable.

Reason

To achieve a sustainable form of development in accordance with the Local Plan.

Informatives:

01 General Amenity

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice

under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02 Badger

Whilst no disturbance to a Badger sett will take place, the works within the western edge of the site should be undertaken with care, under the conditions of an ecological watching brief if necessary.

03 Ecology

If a protected species is found during site clearance or construction, work must temporarily cease and an experienced ecologist be contacted for advice.

04 Road closure

One of the existing entrances within the estate is to be removed. This will require a Stopping Up Order under S247 Town and Country Planning Act, 1990.

05

The close boarded acoustic fence referred to in Condition 11 shall be completely imperforate with no airgaps. Overlapped or tightly butted boards would be suitable but any features such as gaps between boards, whether or not they are offset by parallel boards to prevent visibility, would render the fence acoustically ineffective. There must be no airgaps under the lower edge of the fence, which can usually be achieved by fitting a continuous vertical board along the lower edge of the fence set into a trench of gravel or by fixing the fence onto a low masonry wall.

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. In addition the application was amended during the course of the application process as a result of discussions between the applicant and Local Planning Authority. The Local Planning Authority considers that it has worked with the applicant in a positive and proactive manner based on seeking solutions in accordance with the principles of the National Planning Policy Framework.