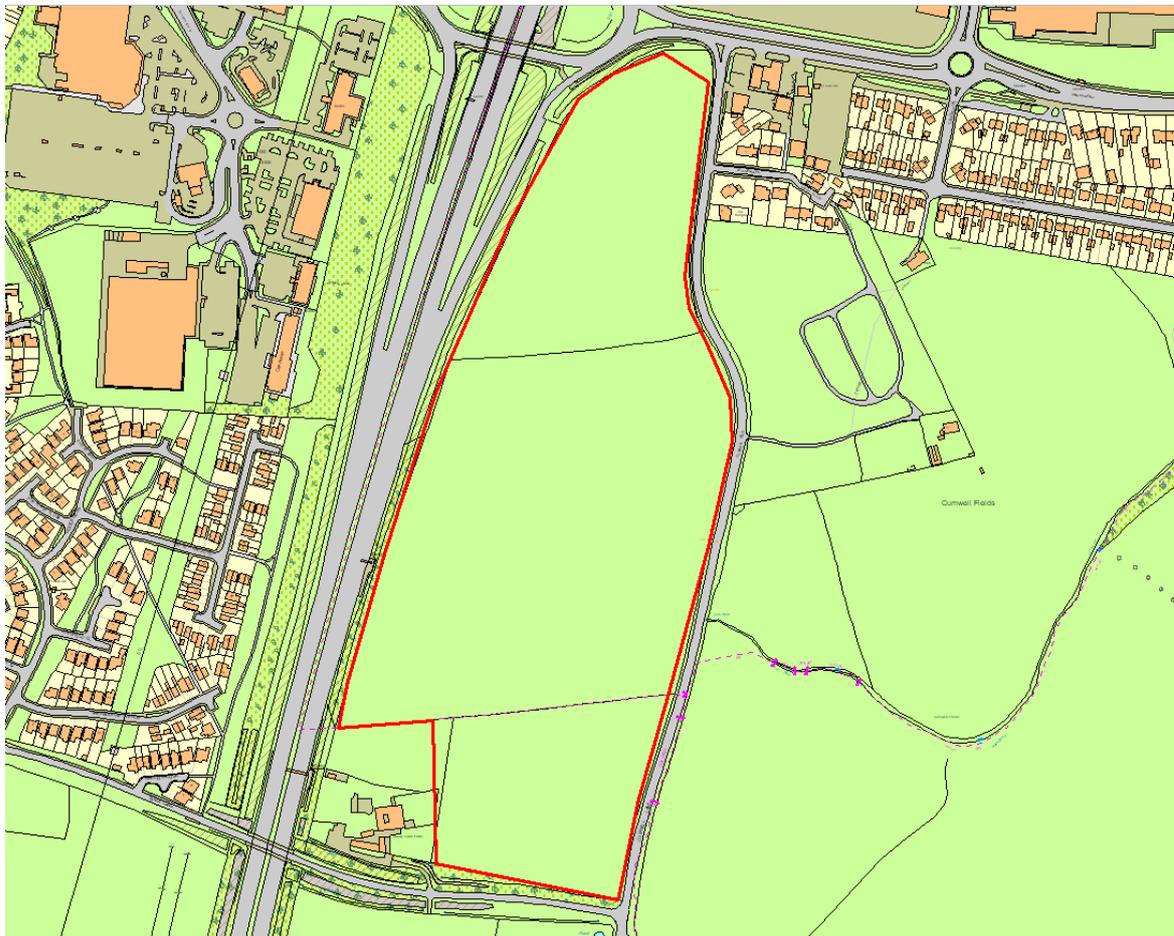


**REPORT TO THE PLANNING BOARD TO BE HELD ON THE  
26 NOVEMBER 2020**

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

<b>Application Number</b>	<b>RB2018/1225</b> <a href="https://rotherham.planportal.co.uk/?id=RB2018/1225">https://rotherham.planportal.co.uk/?id=RB2018/1225</a>
<b>Proposal and Location</b>	<b>Outline planning application for the provision of up to 67,036sqm of employment floorspace (B1b&amp;c/B2 and B8) including up to 5,088sqm of ancillary office floorspace (B1a) HGV fuelling station and lorry washing facilities, including details of access at land off Cumwell Lane Hellaby</b>
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



**Site Description & Location**

The site has an area of approximately 15.68ha and is situated between the M18 (junction 1), Cumwell Lane and Sandy Lane to the south of the settlement of Hellaby.

The site comprises three agricultural fields under arable use with hedgerows, trees, fencing and stone walls defining the field boundaries. The surrounding land to the east and south comprises arable and pastoral farmland with residential houses and gardens to the north east. Industrial and retail estates lie further north across the A631, with the M1 motorway and Junction 18 slip road bordering the western site boundary.

The site slopes very slightly downwards from the western boundary to the eastern boundary. There are hedgerows along some of the boundaries with four individual trees within the site boundary. There is also a stone wall along part of the eastern boundary.

## **Background**

Three outline applications for residential development were refused planning permission in the 1960s and early 1970s, all were refused.

RB2018/1587 - Display of 2 No. non illuminated free standing signs – Granted Conditionally

### Environmental Impact Assessment

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

## **Proposal**

The proposal seeks outline permission for the provision of up to 67,036sqm of employment floorspace (Class B1b&c/B2 and B8) and up to 5,088 square metres of ancillary office use floorspace (Class B1a), along with an HGV fuelling station and lorry washing facilities.

The details of access are proposed for consideration at the outline stage, all other matters being reserved to be dealt with at the reserved matters stage. There are three site vehicular accesses proposed to Cumwell Lane. The accesses to the north and south are for cars only, whilst the central access is for HGV lorries. Access details only relate to the first 20m, internal access would be considered in detail at the reserved matters stage.

A 3m cycleway/footway is proposed along the Cumwell Lane and Sandy Lane frontages and the former will require the demolition of an existing stone boundary wall. No details of boundary treatment are included at this outline stage.

For the purpose of guiding development a proposed parameters plan was submitted identifying key design parameters –

- Around 67,036 square metres of employment floorspace (Use Classes B1/B2/B8) to be provided across the Site;
- Of the total floorspace proposed, approximately 5,088 square metres is to be Use Class B1a ancillary office space;
- The proposed buildings will be no taller than approximately 24 metres from ground level. Through the application process the applicant has agreed to amend the limit within the Design and Access Statement relating to the height of any building within the northern section of the site. This has been amended to a maximum height at the north of the site to 15m.
- An appropriate type and level of parking per plot will be provided on Site, dependant on the end occupier;
- Structural landscaping will be provided along the site boundaries, and where possible this will include retention of existing boundary features; and
- Three access points will be provided from the Site on to Cumwell Lane.

The application also includes an illustrative masterplan to demonstrate that the site has the capacity to accommodate the proposed development and an appropriate level of car parking and landscaping. This plan shows one unit of 56,000sqm with 4,800 sqm of ancillary office on the southern part of the site and a further unit of 5,948sqm with an ancillary office of 288sqm on the northern part. It also shows the HGV fuelling station and lorry washing facilities which would be located towards the eastern boundary of the site between the large building at the southern end of the site and the motorway. The final building configuration and site layout will be led by the end occupier requirements and the proposed design parameters, and would be considered via a reserved matters application if outline permission is granted.

The submission states that the proposed development has the potential to deliver 1,119 full time equivalent employment opportunities.

The illustrative masterplan shows approximately 458 car parking spaces and 98 HGV spaces along with areas available for landscaping to be carried out along the boundaries of the site.

The following documents were submitted in support of the application

### Planning Design and Access Statement

This looks at the relevant planning considerations relevant to the application and concludes that the *“proposal represents sustainable development, in social, environmental and economic respects and the presumption in favour of sustainable development as referenced in the NPPF should apply.*

*Accordingly, planning permission should be granted without delay.”* As the application was submitted in 2018, a Supplementary Planning Statement has been submitted in response to matters that have been raised since the original submission in relation to Highways, Air Quality, Noise, Landscape, Ecology and Minerals Safeguarding matters.

### Design and Access Statement

The document addresses how the buildings have been designed, and how they are proposed to be accessed. This acknowledges that the; *“potential interface distance between the development site and the adjacent residential properties may pose a constraint, however this will be tackled through the proposed layout of the site and use of landscaping”*. It states that: *“The appearance of the buildings will represent their use as B8 Storage & Distribution units. Particular focus and detail will be taken to proportions and detailing. Parapets and material change will likely be incorporated to break up the large mass of the buildings.”*

It concludes that: *“Within this, the layout is subject to commercial aspirations and is likely to be adapted to suit end user requirements. Careful consideration has been taken to address a number of issues regarding location, planning guidance and physical site constraints to produce a well thought out and quality development. The layout for this proposed development has been created following analysis of the ecological, landscape and drainage strategies.”*

### Transport Assessment

The Transport Assessment considers the development in transport and highways terms to provide the necessary reassurance that the proposals can be accommodated by the local transport network.

The document concludes that -

- The application site is highly accessible by non-car travel modes, such as walking and cycling.*
- The site is also accessible by public transport with bus stops within walking distance of the site, offering direct services to a range of destinations including Rotherham town centre, Sheffield city centre and Doncaster.*
- Opportunities also exist for residents to travel by rail with Rotherham Central being a short bus and walk journey from the site and providing services to a range of local, regional and national destinations such as Leeds, Sheffield and Hull.*
- The site can be accessed in a safe and efficient manner off Cumwell Lane and the access point has been designed in accordance with current design guidelines.*

- *The impact of the proposals has been assessed using robust trip rates and the assessment undertaken has shown that the proposals will have a level of impact on the local highway network that is likely to have to be mitigated by some off site highway works.*
- *The provision of a Framework Travel Plan will assist in reducing impact and help to create a wider choice of travel to staff and visitors. That the proposals will provide a sustainable development in transport terms and planning permission should be granted in accordance with the National Planning Policy Framework.”*

Additional information has been submitted through the application process in support of the TA.

#### Travel Plan

The Travel Plan was undertaken in 2020 and sets out a framework to identify opportunities for the effective promotion and delivery of sustainable transport initiatives eg walking, cycling and public transport to thereby reduce the demand for travel by less sustainable modes.

#### Landscape and Visual Assessment

This document analyses landscape character and visual amenity. It states that the development would lead to localised landscape and visual change, however the effects on the landscape and visual environment are only part of the overall consideration in respect of making a decision.

*It states that: “Whilst development of the site would result in an inevitable change in character from a number of arable fields to commercial built form, the site is already influenced by urban development to the north and residential buildings to the north east, and is contained by vegetation to all boundaries except Cumwell Lane where new tree planting is included in the proposals. The scheme would not result in the loss of any rare, unique or notable landscape features. Its impact on the overall perception of the local character areas would be localised.”*

It concludes that the proposal is; *“in accordance with Local Planning Policies relating to landscape and visual matters and can be accommodated within the landscape without causing undue or overly adverse landscape or visual effects.”*

#### Tree Survey

This document states that 4 individual trees and 5 groups of trees were identified on the site. It identifies the partial loss of a 30m section of a group of hedgerow trees to accommodate one of the site accesses as well as the removal of 7 self set low quality trees. These trees are Category C trees which are of low arboricultural quality and value. One Category B tree is proposed to be removed to allow the development to proceed.

The report includes mitigation which includes proposed landscaping of the site which will include new tree planting to mitigate for the proposed losses.

#### Ecology Survey

The Ecology Survey notes that the site is not covered by or adjacent to any sites that are the subject of statutory or non- statutory protection and no such sites would be affected. The report includes details of a Phase 1 and 2 Habitat survey which looks at a range of habitats and flora. Its conclusions included that there are no potential Great Crested Newts breeding habitats present onsite. Bat surveys identified low levels of bat activity on the site and note that the field boundaries with hedgerows and trees provide some limited foraging and commuting opportunities for local bat populations.

Breeding Birds and Wintering Bird Surveys were carried out and it was noted that no Golden Plover were recorded on site. It states that the proposal will result in the loss of some habitat for Invertebrates, however, the retained and newly created areas of habitat will comprise a mosaic of grassland, trees and shrub planting, which will enhance the opportunities on the site for invertebrates and as such no significant impacts to invertebrates are anticipated.

A Badgers survey was also submitted. Due to risk of persecution the location of badger setts is confidential, therefore, the results of the badger survey were detailed in a supplementary confidential document. There was a Badger survey submitted with the original application, and this was updated in June 2020. In the 2020 survey there was no evidence of badger activity.

The Ecology Survey provides a mitigation and enhancement strategy by way of the provision of a Construction Environmental Management Plan and a Landscape and Ecological Management Plan with reference to site lighting design in order to maximise biodiversity benefit in the long term of retained and newly created habitats.

It concludes that; *“with the implementation of the mitigation and enhancement strategy described above, the proposed development would be in conformity with relevant planning policy and legislation.”*

#### Air Quality Assessment

An Air Quality Assessment was submitted with the original application, and an updated more detailed assessment as requested was submitted in 2020. As part of this, a qualitative assessment of the potential dust impacts during the construction of the development has been undertaken. Through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated, with resulting impacts considered to be ‘not significant’.

The results of the Operational Phase Screening Assessment indicated that additional development flows associated with the operation of the proposed development are in excess of the criteria for further assessment at some roads within the development locality.

The additional vehicle trips associated with the proposed development are predicted to be 'not significant'. The report concludes that; *“air quality does not represent a material constraint to the development proposals, which conform to the principles of National Planning Policy Framework and the accompanying Planning Practice Guidance, the relevant policies of RMBC’s Local Plan and RMBC’s Air Quality and Emissions Supplementary Planning Document.”*

#### Flood Risk Assessment

This document notes that: *“The Environment Agency Flood Maps confirmed the development to lie wholly within Flood Zone 1 and as such, there is a low risk of flooding from fluvial sources. In accordance with the National Planning Policy Framework (NPPF), commercial development, which is classed as ‘Less Vulnerable’, would be considered appropriate development within Flood Zone 1.”*

It also states that: *“Flooding from overland flow/surface water was considered to potentially affect the site. However, an assessment of this source determined that it poses low residual risk to the proposed development. This corresponds with the Rotherham Strategic Flood Risk Assessment, which did not identify the site to be at risk from secondary sources of flooding.”*

The document outlines the drainage proposals which are that the surface water from the proposed development is discharged partly to soakaways and partly into Newhall Dike to the east, with discharge rates restricted; and foul water is proposed to discharge into the nearest public foul or combined sewer.

It concludes that; *“the proposed redevelopment of the site for commercial use would be considered sustainable in terms of both Flood Risk and the management of Surface Water run-off”*.

#### Land Contamination Reports

The report notes that the site has been used for farmland from at least 1850 and that the site is considered to pose a low to very low risk from potential contamination. It recommends that a preliminary assessment is undertaken prior to construction.

#### Noise Impact Assessment

A Noise Assessment was submitted with the original application, and a further document including additional information was submitted in July 2020. This report concludes that –

*“• During the daytime the rating level of the site traffic movements (and HGV reversing alarms) would be well below the background sound level at all receptors assessed. In accordance with BS4142:2014+A1:2019 the site would be unlikely to have an adverse noise impact during the daytime.*

*• During the night-time the rating level of the site traffic movements (and HGV reversing alarms) would be below the background sound level at all receptors assessed. In accordance with BS4142:2014+A1:2019 the site would be*

*unlikely to have an adverse noise impact during the night-time.*

*The off-Site traffic impact assessment has found:*

- *The High Impact at the Main Site access is not considered significant as the nearest existing receptor is approximately 40m from the Main Site Access.*
- *The Moderate Impact on Cumwell Lane North of Site Access would affect up to four existing residential receptors. However, as the increase in the LA10,18-hour noise level is calculated at 3.6dB(A), this is not considered significant as road noise is dominant in the area, and it is generally accepted that an increase in noise level of 3dB(A) is only just perceptible.*

*Furthermore, if developed the site may shield the affected properties from traffic noise on the M18, a benefit which may see a fall in environmental noise in the vicinity of Bateman Road.”*

#### Archaeology Survey

The survey has provided evidence for significant archaeological activity in the form of several series of boundary ditches and enclosures/sub-enclosures. Confirmation on the identification of anomalies and the presence or absence of sub-surface features can only be achieved by intrusive investigation which should be undertaken prior to the development of the site.

#### **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 27<sup>th</sup> June 2018).

The application site was allocated for Green Belt purposes in the UDP, however, the adopted Sites and Policies Document removed the site from the Green Belt and allocates it for Industrial and Business Use. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policies –

- CS1 Delivering Rotherham’s Spatial Strategy
- CS9 Transforming Rotherham’s Economy
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS23 Valuing the Historic Environment
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk
- CS26 Minerals
- CS27 Community Health and Safety
- CS28 Sustainable Design
- CS33 Presumption in favor of sustainable development

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 drainage  
 SP52 Pollution Control  
 SP54 Contaminated and Unstable Land  
 SP55 Design Principles  
 SP56 Car Parking Layout  
 SP57 Sustainable Construction  
 SP61 Telecommunications

Joint Waste Core Strategy  
 WC27 Managing Waste in all Development

SPD2 Air Quality & Emissions (June 2020)  
 SPD5 Equal & Healthy Communities (June 2020)

#### Site Development Guidelines for E24

1. Development proposals will need to be supported with a Heritage Statement for Archaeology prepared in line with the requirements for site classification 1 highlighted yellow in Table 17 'Heritage Statement for Archaeology Requirements'.
2. Golden plovers have historically been recorded within the vicinity of the site and an over-wintering bird survey has been undertaken, although this did not record the presence of such species. The findings of these or any more up to date surveys will require consideration and mitigation as part of any development.
3. A Transport Assessment will be required which should include consideration of possible traffic issues given the site's proximity to J1 of the M18, the existing highways layout at the junction of Cumwell Lane and the A631, and any potential impact on Flash Lane crossroads. Junction improvements may be required.
4. Development proposals should have regard to issues of amenity given the proximity of Sandy Lane Farm and include appropriate mitigation as necessary.
5. Landscape character impact: the receding appearance of darker coloured materials in any new development shall mitigate potential changes in view. The provision of strong boundary vegetation along Cumwell Lane will also assist with mitigating this change. Existing vegetation should be retained and enhanced, unless agreed in writing with the Local Planning Authority, and a buffer offset from the Green Belt boundary shall be provided.

6. A Landscape Assessment will be needed to assess and manage the impact of potential new development on landscape character and on natural landscape features such as trees and hedgerows.

7. Development proposals shall provide a strong structural landscape framework within which this development will sit. The appropriate long term management and maintenance of any existing or newly created Green Infrastructure assets within the development will need to be explored and funded.

8. The preparation of a detailed masterplan incorporating suitable design measures will be essential. Refer to Appendix 2 for guidance on the preparation of an appropriate masterplan.

### **Other Material Considerations**

Council's Car Parking Standards

National Planning Practice Guidance (NPPG)

National Planning Policy Framework: The revised NPPF came into effect 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 original application was advertised in the press, on site and by individual neighbour letters in 2018; and letters of objection were received from the occupiers of 207 properties along with objections from Hellaby and Bramley Parish Councils, Maltby Town Council, Bramley Action Group, and Alexander Stafford MP.

The objections are summarised below -

#### Highways/Transport

- The M18 roundabout is already congested
- Danger to pedestrians and cyclists
- Traffic in local villages will be even worse than it is already
- Cumwell Lane will not be able to take the volume of traffic proposed, and will pose a road safety risk for residents and other road users.
- There is already dangerous parking on Cumwell lane

- Roads unsuitable for this form of development, the building shows over 100 HGV loading bays.
- The submitted TA states that there have been no personal injury accidents along Cumwell Lane – this is incorrect, there have been at least 3 major accidents.
- The development will increase road safety risk close to schools
- HS2 is already proposed to add to pollution and congestion, and its impacts should be considered along with this application
- Would be better used as the route for HS2
- There is no right turn so HGVs will have to U-turn at the Hellaby roundabout
- The closest bus stop would result in workers walking through residential streets and leaving residents feeling less secure.
- The development would cost RMBC thousands if not millions of pounds to modify the infrastructure for the increased traffic.
- Traffic Surveys were undertaken when Kingsforth Road was closed and not a true reflection
- Road surfaces are poor
- The road system was never designed for the proposed use

#### Impact on existing residents/community

- The area already has high levels of noise, air, odour, light, ground and traffic pollution and a 24 hour operation will significantly worsen this
- Nearby residents would feel as if they are living on an industrial estate
- The site is next to kennels and cattery and will be detrimental to the business and animals
- The size of the building is a concern
- Negative visual impact on outlook and loss of open views and privacy
- The scale of the proposal is too large for the area
- The HS2 will result in tree loss to the current screen along the M18 and so views of the site will be prominent from the houses.
- Construction noise/disturbance
- Residents home and family life will be compromised, and use of gardens will be affected
- The 24m high building will cause overshadowing and loss of natural light
- Pollution can lead to health issues
- Will residents receive financial compensation?
- Storage of hazardous substances and potential leakages
- Access will result in car headlights shining in bungalow windows
- Noise report relates to HGVs being 40m from dwellings but they will be much closer when queuing outside houses.
- Outlook from properties will be obliterated

### Ecology/Trees/Landscaping

- Loss of countryside, farming land and Green Belt
- Detrimental impact on wildlife, no mention of Golden Plover
- This application is in conflict with the National Planning Policy Framework. Paragraph 170 states that planning and decisions should contribute to and enhance the natural and local environment by: a) “protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and 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 proposed buildings are too large to be screened

### Drainage/Flooding

- Impact on fishing pond half a mile away
- The drainage system will not be able to cope and will lead to flooding

### Other Matters

- More suitable areas for such a development.
- There is no need for the development
- There is already enough industry in the area
- The land forms an essential gap between Hellaby and Bramley
- There are plenty of brownfield sites and unused buildings in the area which should be used instead eg. Wincanton building
- House prices will decrease
- There are already HGV fuelling and a truck washing facility nearby
- There will be no benefit to the local community
- How can the number of jobs be suggested with no end user?
- Most of these depots are automated so there will be few jobs
- What if it is built and left empty?
- Proposal not in accordance with Hellaby Ward Plan
- Competition for existing businesses which could lead to existing jobs being lost
- Objections not immediately posted on the application file – what confidence does that generate in a democratic process
- Brexit will result in less need for such developments
- Archaeology studies should be carried out
- There are no details of end users and uses
- Previous applications have been refused on the site
- The documentation submitted with the application falls short of being satisfactory

- Queries how applications are dealt with and how communities are considered and their importance in planning process.
- The site could be used for more community friendly uses eg. school, library, shops, leisure uses etc
- There is an empty warehouse at J29a of the M1, and other sites away from houses
- Advertisement consent for signage has been granted before a decision has been made on the planning application, this is not right.
- The application has been in for over 2 years

#### Hellaby Parish Council –

- The size of the site alone is above the target increase in industrial land in the Local Plan – how come?
- Access onto the proposed site could lead to an increase in accidents.
- The existing slip road on M18 should be moved up towards Doncaster and the relocation of the access roundabout further towards the Doncaster boundary – access to the site could then be gained via an access off the motorway- this would bring many benefits to transport, the community and pedestrians.
- Air pollution tests are not adequate, and do not take account of nearby homes.
- The proposal will impact local brooks, and water supply will be an issue
- Noise that will be produced is out of character with the area, and will severely impact on adjacent residents.
- There are 600 vacant warehouse jobs in Rotherham, so why the need for the development?
- Will jobs match the jobs needed in the local area?
- Cumulative impact with HS2 development.
- Traffic congestion and road safety are a concern

#### Bramley Parish Council –

- Over development of the site
- Unfavourable impact on openness of greenspace, especially when trees are removed from M18 slip road as part of the HS2 project
- Proposed planting is insufficient to mitigate the proposal
- Traffic increase will be profound
- HGV lorries will have to perform a U-Turn at the Denby Way roundabout which is preposterous
- A24 hour operation will unfairly impinge upon the amenity of residents
- Where will the power and water come from to power the factory
- How will waste be disposed of?

Maltby Town Council –

- Will bring additional traffic to the roads
- Increase pollution, noise and environmental issues
- There are vacant areas/premises close to the site which could be used
- The Town Council was not consulted, and supports the objections of the neighbouring Parish Councillors

Bramley Action Group

- Raised issues with the process to allocate the site in the Local Plan and asks for justification regarding this methodology
- The site should revert back to Green Belt
- Refer to previous refusals for development of this land
- Existing empty premises should be used before building more
- The HS2 traffic has not been considered
- Increased traffic could hold up emergency vehicles
- Bramley Action Group does not believe that the application is in the best interests of Bramley or Hellaby

Following the submission of additional information, letters were sent out to all neighbours and objectors in 2020. Objectors to the original application were advised that their original comments still remained on the file and would be taken into consideration. 10 additional objection letters have been received from residents as well as an objection letter from Alexander Stafford MP, the additional comments from residents are summarised below –

- The developer has tried to show what it may look like in the future showing trees that will never grow.
- The suggestions in the Air Quality Assessment are incorrect
- Proposed mitigation measures are not capable of preventing deterioration to Air Quality
- Mud on the road is dangerous  
People are at home more due to lockdown so will be disturbed more

Objections in the letter received from Alexander Stafford MP are summarised below –

- He is writing on behalf of residents of Hellaby
- Concerns about the size of the development and how it will impact the local community, as well as people in Maltby and Thurcroft who use the roads for access to work and education
- There is already an existing traffic issue at peak times with traffic backing down Cumwell lane trying to get onto A631
- A development of this size will significantly increase local traffic impacting on the local community and more widely.
- Residents are rightly concerned about the number of HGV movements with the associated noise and air pollution.
- People in Rother Valley already know that I will not support development on green spaces when other options are available. I

believe that these spaces need to be cherished and protected, not concreted over. I strongly believe that brownfield sites need to be prioritised. Furthermore, large industrial developments of this scale should not be located next to residential areas, whilst industrial land remains available. I acknowledge that the Sites and Policies Document states that there is a need to assess and manage the impact of potential new development on landscape character and on natural landscape features such as trees and hedgerows, but this is simply not enough. A development of this size will change the landscape for ever.

- The Local Plan (Core Strategy) was approved and consulted on as a long-term development plan for Rotherham. It states that the approximate land required in Maltby and Hellaby to meet the targeted borough requirement for employment provision would be approximately 5 hectares of land. The Sites and Policies has allocated 17.65 hectares of land for industrial and business use in Maltby and Hellaby. How can an increase of 253% in land allocated for industrial use from the Core Strategy allocation be justified by the decision makers and planners?
- I know that Hellaby Parish Council have outlined their objections to the development, focussing on both the impact to local residents and highlighting how this development fails by both the criteria and objectives laid out in the National Planning Policy Framework and RMBC's own Core Strategy. I support and agree with all the points that the Parish Council make in their objection.
- I ask that the local residents' objections, supported by the Parish Council, be acted on and that this application be rejected.

Hellaby Parish Council, Bramley Action Group, a local resident and the applicant's agent have requested the Right to Speak at the Planning Board Meeting.

### **Consultations**

RMBC - Transportation and Highways Design – No objection to the application subject to recommended conditions to secure mitigation works

RMBC - Tree Service Manager – No objections subject to relevant conditions

RMBC - Landscape Design – No objections subject to recommended conditions

RMBC – Drainage – No objections subject to relevant conditions

RMBC – Ecologist – No objections subject to recommended conditions

RMBC - Environmental Health – No objections subject to recommended conditions

RMBS – Air Quality – No objections subject to recommended conditions

RMBC - Land Contamination – No objection subject to recommended conditions

Highways England – No objection to the application subject to recommended condition to secure mitigation works to the M18 junction 1.

South Yorkshire Badger Group – Mitigation should be provided to protect Badgers

Environment Agency – No objections subject to recommended informative

HS2 – They confirm that no part of the application site falls within safeguarded land, and that they have no objections to the proposal.

South Yorkshire Mining Advisory Service – No objections

South Yorkshire Geology Trust – No objections

### **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- The principle of the development
- Transportation issues and access
- Design layout and scale
- Drainage and flood risk issues
- Landscape and trees
- Ecology
- General amenity issues
- Impact on existing residents
- Heritage issues
- Telecommunications
- Other issues raised by objectors

### The principle of the development

The application site was allocated as Green Belt within the former UDP, however the Local Plan Sites and Policies Document which was adopted on 27<sup>th</sup> June 2018 removed the site from the Green Belt and re-allocates it for Industrial and Business Use. It forms Employment site E24 (total area of 15.93 hectares)

Policy CS1 'Delivering Rotherham's Spatial Strategy' states, in part, that: "*Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth*". Maltby and Hellaby are identified as one of the Principal settlements which is to provide 2% of the Boroughs requirement of Employment Lane as part of the Local Plan.

With the above policies in mind the site has now been allocated for Industrial and Business use as part of the adopted Local Plan and as such the principle of industrial and business development is acceptable.

Policy CS9 'Transforming Rotherham's Economy' supports proposals which support employment growth in sustainable locations and meet modern economic requirements.

The proposed uses are in line with Policy SP16 'Land Identified for Industrial and Business Uses' which states that: "*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*"

The proposed floorspace to be used for B1a office is 7.6% of the overall floorspace which is considered to be of a scale which can be considered ancillary to the main use, recognising the role that such floorspace would have as part of supporting other B1, B2 and/or B8 uses. Additionally, the proposed HGV fuelling and washing facility is also considered to be ancillary to the main use of the site. Objections have been received regarding the proposed HGV fuelling and washing facility on the grounds that there is already one close by so it is not required, and that it would damage the business of the existing facility. The developer has confirmed that the fuel station and HGV wash facility are for the purposes of the operator(s) only that will occupy the Site. This will not be a public facility, these aspects are ancillary to the proposed development.

Objections have been received in relation to the process of reallocating the application site from Green Belt to Industrial and Business Use, particularly with reference to the contents of the Green Belt Reviews. In this respect it should be noted that the Green Belt Reviews were undertaken to support preparation of the Local Plan. They were one part of the evidence which supported the broad scale and distribution of growth adopted in the Core

Strategy, and the specific site allocations to achieve this in the Sites and Policies document.

A Strategic Green Belt Review (2012) was prepared by the Council as part of the evidence base for the Local Plan Core Strategy. Subsequently the Detailed Green Belt Review (2015 and subsequently updated in 2016) was submitted as part of the evidence base considered by the Inspector undertaking the examination of the Local Plan Sites and Policies document. In his final report the Inspector noted that these documents “...provide a systematic assessment of Green Belt land against the purposes for including land within the Green Belt both at the strategic and local level.” The report concludes that “...the review of Green Belt boundaries in the RSP and the identification of exceptional circumstances to justify that boundary review is soundly based, apart from those instances identified in my report.”

The Inspector supported the removal of the site at Cumwell Lane from the Green Belt, and its allocation for Industrial and Business use, noting that “*The E24 Cumwell Lane, Hellaby allocation is situated next to a motorway junction and is well-located for serving the employment needs of Bramley, Wickersley and Ravenfield Common, as well as those of Maltby and Hellaby.*”

Through the Local Plan process the site was identified as a result of extensive consultation and a site appraisals process, including a Sustainability Appraisal, and assessed in terms of a range of social, economic and environmental factors. The Sites and Policies Document identifies that the site is sustainable in principle for Industrial and Business Use.

Objections have also been received regarding the amount of employment land proposed in Hellaby as the Local Plan outlines approximately 5 hectares should be provided, although the application site is over 15 hectares. In this respect the Core Strategy identified an Indicative Employment Provision for Maltby and Hellaby of 2% (approximately 5 hectares). It also identified an indicative provision of 7% (approximately 16 hectares) for the Bramley, Wickersley and Ravenfield Common settlement. Core Strategy Policy CS1 also clarifies that these figures are not ceilings.

In allocating this site, E24, it was recognised that whilst this resulted in provision above the indicative requirement for Maltby and Hellaby this location also served the needs of Bramley, Wickersley and Ravenfield Common. This was recognised by the Inspector (as noted above) and paragraph 4.14 of the Sites and Policies document which states that: “*It should be noted that allocations to meet the requirements of the Bramley, Wickersley and Ravenfield Common settlement grouping are provided in close proximity within the Maltby and Hellaby grouping.*”

Objections have been received which query the number of potential jobs to be provided. The developer has confirmed that the figure of 1,119 full time equivalent jobs has been worked out using the Homes and Communities Agency (Now Homes England) Employment Density Guide. This is one of

several standard tools used both to support planning applications and during the preparation of Local Plans.

The applicant has completed the Health and Equalities Checklist in accordance with the Guidance in Supplementary Planning Document No. 5 Equal and Healthy Communities which assists in demonstrating how health and wellbeing and equality considerations be considered. Many of the criteria will be completed at the reserved matters stage of the application.

In conclusion it is considered that the proposed Industrial and Business development is acceptable in principle on this allocated site. The development is therefore considered to accord with relevant Local Plan Policies and the provisions of the NPPF.

#### Transportation issues and access

Whilst the application is in outline, the means of access are to be fully considered and are not a reserved matter, although this only relates to the first 20m of the access as details of internal access would be considered at the reserved matters stage.

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

*"d. Set thresholds where existing and future employers and institutions will need to adopt Travel Plans or Area Travel Plans as part of a programme of sustainable transport promotion.*

*e. The use of maximum parking standards for non-residential developments aimed at reducing the number of car trips to and from them.*

*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."*

Local Plan Policy SP26 'Sustainable Transport for Development' states 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;*

*The Council expects that other measures to increase and encourage sustainable travel and movement habits through travel plan incentives, such as: bus service enhancements, bus priority schemes, improved or additional bus services, better information and subsidised ticketing, multi modal multi operator, cross boundary travel, are provided. Improvements to existing and new infrastructure, ensuring that any public transport stops are easily accessible by active means, and that opportunities to further enhance walking, cycling and appropriate measures to promote inclusive access, will be sought as appropriate.”*

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 Site Development Guidelines state that: *“A Transport Assessment will be required which should include consideration of possible traffic issues given the site's proximity to J1 of the M18, the existing highways layout at the junction of Cumwell Lane and the A631, and any potential impact on Flash Lane crossroads. Junction improvements may be required.”*

The application is supported by a Transport Assessment and a Travel Plan, and after significant discussions between the developer, the Council's Transportation Infrastructure Services and Highways England, updated information has been submitted which included a Technical Note 03 dated October 2019, a Stage 1 Road Safety Audit dated January 2020, and an amended scheme for the Cumwell Lane/Bawtry Road junction, reference 2274-FO5 Revision G.

Highways England provided comments regarding the acceptability of the proposal in relation to the Strategic Road Network, and in particular the impact of the proposed development on M18 Junction 1. As a result of the original submission Highways England requested additional information be provided in relation to allow them to make a full assessment. After much discussion and negotiation the developers agreed to undertake mitigation to the Junction 1 roundabout which incorporates road marking alterations. These alterations would reduce the delay at the junction, and the cost of carrying out such work is estimated to be approximately £136,000. Highways England have confirmed that they have no objection to the application subject to a condition being attached regarding the Junction works.

In relation to the Local Highway Network the developer submitted a revised layout showing the 3 proposed vehicular accesses to Cumwell Lane which was supported by results of a speed survey and a swept path analysis of the access to be used by HGV's. The Technical Note included revised trip distribution figures for both light vehicles and HGV's in which it was assumed that all HGV's will use the Bawtry Road/Cumwell Lane junction. Trip rates for the development and "with development" flows for 2028 are also included in the Technical Note.

Detailed capacity analysis has been undertaken at the site access to Cumwell Lane, M18 Junction 1 Slips/A631 Bawtry Road/Cumwell Lane signal controlled junction and at A631 Bawtry Road/Clifford Road/Denby Way Roundabout. To give a robust assessment, the Technical Note assumes that all development traffic will utilise the northern access point which is forecast to operate well within its theoretical capacity. That assessment is accepted.

The Technical Note's modelling of the M18, Junction 1 Slips/A631 Bawtry Road/Cumwell Lane signal controlled junction, and the conclusion that it can accommodate traffic associated with the proposed development is accepted together with the mitigation to the motorway Junction as outlined above.

The intended visibility at the 3 No. vehicular accesses to Cumwell Lane accord with standards appropriate to the recorded speed of traffic and include the safeguarding of forward visibility across the highway bend on the opposite side of Cumwell Lane. A 3m wide footway/cycleway is to be provided on the Cumwell Lane frontage and along Sandy Lane linking with the existing footway to the west of the bridge over the Motorway. This will require the removal of the existing low stone wall on the site frontage and it is recommended that this is re-built on the newly formed boundary. Additional measures to promote sustainable travel are outlined in the Framework Travel Plan submitted with the Transport Assessment.

It is noted that the proposal to create an all movements signal controlled junction at Bawtry Road/Cumwell Lane outlined in the Technical Note was not initially supported but this has subsequently been revised to prevent right turns out of Cumwell Lane into Bawtry Road, and is now acceptable.

The highway impact of the development is significant and requires mitigation and sustainable transport measures. In this respect, conditions should be attached to any permission to seek to promote sustainable transport and mitigate to an acceptable degree the impact of the development in terms of capacity and congestion.

There have been many objections to the development on the grounds of highway safety issues and congestion, however as detailed above the Council's Transportation Infrastructure Services and Highways England consider that, whilst the proposal would have an impact in transport terms, with conditions and mitigation the proposal would not have an unacceptable impact on the Strategic Road Network or the Local Highway Network and is considered acceptable.

In relation to objections made regarding the amount of accidents/incidents on Cumwell Lane and Bawtry Road, and that the developers information is incorrect, it should be noted that the personal injury accident figures used by the applicants in their Transport Assessment are based on their study area only, where there have been no recorded personal injury accidents in the last 5 years. However, there have been personal injury accidents as referred to by the objectors in highways in the vicinity of the site which have been taken into account in the Transport Infrastructure Services assessment of the application. Between January 2015 and January 2020, there were 3 slight injury accidents recorded between the Cumwell Lane/Bawtry Road junction and J1, M18; 3 slight injury accidents at the Cumwell Lane/Sandy Lane junction; 1 serious injury accident in Cumwell Lane to the south of Bateman Road; and 1 serious injury accident in Sandy Lane. Forward visibility across the highway bends along this part of Cumwell Lane is restricted by vegetation and this is to be addressed by means of hard surfacing forward visibility splays (currently overgrown highway verge).

Objections have also been received criticising the timing of the submitted traffic survey saying that it was carried out when Kingsforth Lane was closed and so the survey is not a true reflection. However, Highway records show that Kingsforth Lane was closed for carriageway resurfacing between 28<sup>th</sup> August and 5<sup>th</sup> October 2018 although the traffic data used in the TA was collected in June that year.

Objections have been received relating to the potential use of the country roads - Sandy Lane and Flash Lane, by HGVs, although in this regard it is noted that there is an existing Traffic Regulation Order in place banning HGV's over 7.5 tonnes from travelling along the latter part of Sandy Lane, preventing access from Flash Lane/Sandy Lane to Cumwell Lane and vice versa.

Objections regarding the location of bus stops have been received stating that employees would have to walk through residential streets which is not appropriate. It is noted that there are bus stops on Bawtry Road, to the east of the Bawtry Road/Denby Way/Clifford Road roundabout, however it would appear that the walking route through the residential streets and public

footpath would be further than the direct route walking along Bawtry Road and down Cumwell Lane so this is not considered to be a significant issue.

Objections have been received in relation to the footpath along Cumwell Lane as it is not maintained, and that it is unsafe for pedestrians and cyclists to use. In this respect a 3m wide footway/cycleway is to be provided on the Cumwell Lane frontage and along Sandy Lane linking with the existing footway as part of this application which will be beneficial to pedestrians and cyclists whilst improving links locally.

Objections have been received on the grounds that the application has not considered the cumulative impact of the application as well as construction traffic associated with HS2. In this regard it is considered unreasonable to include HS2 construction traffic in the Transport Assessment since any traffic associated with this would be temporary in nature and probably accounted for to a large degree in the traffic growth figures.

Therefore it is considered that the development will not have an unacceptable impact on highway safety and the residual cumulative impact on the road network will not be severe. Accordingly, the proposal is considered to accord with the requirements of the relevant Local Plan policies the NPPF and is acceptable in highway/transport terms.

#### 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..... Design should take all opportunities to improve the character and quality of an area and the way it functions.*" This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

Policy SP55 'Design Principles', states, in part, that: "*All forms of development are required to be of high quality, incorporate inclusive design principles 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*".

The NPPF at paragraph 124 states, in part, that: "*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 adds, in part, that: "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*"

The Site Development Guidelines state that: *“The preparation of a detailed masterplan incorporating suitable design measures will be essential. Refer to Appendix 2 for guidance on the preparation of an appropriate masterplan.”*

This application is submitted in outline with only means of access for consideration, therefore the appearance, layout and scale are not to be considered at this time. However the application includes an Indicative Masterplan and a Design and Access Statement. In this respect the submitted Design and Access Statement includes parameters in relation to the amount of development, with details of maximum heights of potential proposed buildings. In this regard the original submission showed two separate buildings, one smaller one to the north of the site with a large one on the remainder of the site to the south. The maximum heights for both buildings was 24 metres. Due to the proximity of the northern element of the site to residential properties officers raised concern regarding the height in this area and asked that the maximum height be reduced in the northern area.

Initially the developer stated that; *“it is critical that we achieve the building heights applied for due to occupier demand and to ensure the inward investment can be secured for Rotherham rather than lost to neighbouring boroughs. The nature of logistics and distribution is changing rapidly and our client has been advised by a number of occupiers of their minimum requirements in terms of building height”*. However, after further discussions the developer agreed to reduce the maximum height of any buildings on the northern area of the site by 9 metres to a maximum of 15 metres.

It is noted that there is currently a stone wall along part of the eastern boundary which is attractive from a visual aspect. In his respect it is noted that it will need to be removed to provide the 3m wide cycleway/footway and it is recommended that it is re-built on the new line of the front boundary that is formed.

In relation to the general design, appearance and layout of the scheme, this will be considered at the reserved matters stage.

#### 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. ...”*

Furthermore policy SP47 ‘Understanding and Managing Flood Risk and Drainage’ states in 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) in appropriate 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*

*Major developments of more than 10 dwellings, or more than 1,000 square metres of floorspace should comply with Defra Sustainable Drainage Systems Non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) and the South Yorkshire Interim Local Standards for Sustainable Drainage Systems (May 2015), or any future documents which supersede them.”*

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 applicant was supported by a Flood Risk Assessment and Drainage Strategy which confirms that the site is within Flood Zone 1 as shown on the Environment Agency maps, meaning that it is very unlikely to flood, and in accordance with the NPPF, commercial development is classed as 'less vulnerable' and so would be considered appropriate.

There have been objections raised in relation of flooding and surface water run off, and flooding damaging nearby ponds/waterways, however the Council's Drainage Engineer is satisfied that the site can be properly drained without any significant adverse effects on the locality. He has assessed the application and raised no objections in terms of flood risk or other drainage matters. As the application is in outline he has recommended a condition is attached to any permission requiring the submission of the drainage design a reserved matters stage of the process. It is therefore considered acceptable from a drainage and flood risk point of view and is in accordance with the relevant Local Plan policies and the NPPF.

### Landscape and trees

Policy CS19 'Green Infrastructure', states in part that *"Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:*

- 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."*

Additionally, 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 onto 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."* Such an approach accords with relevant policies and guidance in the Core Strategy and the NPPF.

The Site Development Guidelines state that: *"Landscape character impact: the receding appearance of darker coloured materials in any new development shall mitigate potential changes in view. The provision of strong boundary vegetation along Cumwell Lane will also assist with mitigating this change."*

*Existing vegetation should be retained and enhanced, unless agreed in writing with the Local Planning Authority, and a buffer offset from the Green Belt boundary shall be provided.*

*A Landscape Assessment will be needed to assess and manage the impact of potential new development on landscape character and on natural landscape features such as trees and hedgerows.*

*Development proposals shall provide a strong structural landscape framework within which this development will sit. The appropriate long term management and maintenance of any existing or newly created Green Infrastructure assets within the development will need to be explored and funded.”*

The application site lies within the landscape character area of Central Rotherham Coalfield Farmland which was considered in 2010 within the Landscape Character

Assessment and Landscape capacity study to be of moderate-low sensitivity to potential change arising from development. The application was supported by a Landscape Assessment and photomontages, and sections have also been submitted to demonstrate how the proposed development could appear within the landscape and how mitigation could be provided. The proposed plans show areas along the boundaries where structural landscaping could be provided, and in addition to this in the most sensitive locations measures such as landscape buffers and bunding are proposed to minimise the potential adverse landscape affects.

Plans have been submitted to demonstrate the mitigating affect the planting would have as the areas will mature over time. It is therefore considered that the proposal has demonstrated that any potential impacts of the proposed development could be mitigated to some extent by the provision of a landscaping scheme to include buffers and bunding. Full details of the landscaping would be considered as part of a reserved matters application.

Turning to trees on the site, the application was supported by Tree reports and the Council’s Tree Services have assessed the submitted information. The Tree Service note that there is one mature tree proposed to be removed from within the site to allow the development, along with a section of hedgerow to allow the accesses and a small group of self set trees, however other trees and hedgerows along the boundaries are proposed to be retained, with additional planting proposed as part of a comprehensive landscaping scheme as above. The proposal is considered to be acceptable in terms of trees at the site and it is suggested that conditions are attached to any outline permission to ensure the retention of trees and shrubs where possible and the provision of additional trees within the scheme.

It is therefore considered that the proposal is considered acceptable in terms of its impact on landscaping and trees and in compliance with the relevant Local Plan Policies.

## Ecology and Biodiversity issues

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 onsite 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 Site Development Guidelines state that: *"Golden plovers have historically been recorded within the vicinity of the site and an over-wintering bird survey has been undertaken, although this did not record the presence of such species. The findings of these or any more up to date surveys will require consideration and mitigation as part of any development."*

An Ecology Survey was submitted with the application which was in 2018, and for this reason the age of the surveys has been questioned, however the Council's Ecologist has stated that they are acceptable for the purposes of determining the application at this time. The Council's Ecologist considers that the submitted surveys are appropriate and note that the site has a low suitability habitat for bats, and that whilst Golden Plover was a potential important species on this site, recent records suggest that they do not use the site. Therefore the Council's Ecologist considers that the reports fully assess the site and recommends that conditions are attached to any approval to ensure that any potential impacts of the proposal are mitigated.

Comments have been received in relation to Badgers at the site. It should be noted that these are a persecuted protected species and so information regarding them is confidential. The developer has undertaken relevant surveys and the Council's Ecologist recommends an appropriate condition to ensure that up-to-date surveys are carried out prior to any site clearance works or commencement of development itself.

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.*"

As the application is in outline it is considered appropriate that the submission of details of the quality of soils on site and their movement and temporary storage during construction is conditioned to ensure that the character of the soil to be conserved is done so as part of a Construction Management Plan.

The proposal is therefore considered to be acceptable in terms of Ecology and Biodiversity, with conditions to be attached to any permission, and therefore complies with the relevant Local Plan policies and guidance in the NPPF.

#### General Amenity Issues

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.”*

Noise:

The application was supported by a Noise Assessment, and it was added to/updated earlier this year. The Assessment took into consideration the impact of on-site operational noise, and the impact of off-site development related traffic noise. Consideration was also given to the context of the existing sound environment at the sensitive receptor location to assess the

potential impact. The assessment identified three locations as the nearest residential receptors to the site as those on Cumwell Lane, Sandy Lane and Bateman Road. The assessment of on-site noise sources included HGV Movements, HGV reversing alarms and car movements. Other plant/machinery would be considered at the detailed application stage and assessments considered at this time.

The Noise Assessment concluded that the 'High Impact at the Main Site Access' (being the access for HGVs) is not considered significant as the nearest existing receptor is approximately 40m away. The 'Moderate Impact on Cumwell Lane North of Site Access' would affect up to four existing residential receptors. However, as the increase in the LA10,18-hour noise level is calculated at 3.6dB(A), this is not considered significant as road noise is dominant in the area, and it is generally accepted that an increase in noise level of 3dB(A) is only just perceptible. Furthermore, if developed the Site may shield the affected properties from traffic noise on the M18, a benefit which may see a fall in environmental noise in the vicinity of Bateman Road.

The Council's Environmental Health Officer has visited the application site and reviewed the submitted documents and has concluded that there is potential for noise and dust disamenity from the site to existing residential properties during the construction phase. There is also potential for noise disamenity once the development has been completed, and for this reason relevant conditions should be attached to any permission to ensure that the proposal does not have any significant adverse impacts on residential amenity. In this respect it is recommended that a condition is attached to require the submission of a Construction Management Plan so that the construction phase of the development can be controlled. Additionally, in relation to the ongoing use of the site it is suggested that conditions are attached to control potential future noise sources.

Objections have been received regarding the potential for noise generated at the site to be combined with noise from the HS2 which would have a cumulative impact on residents, and that this has not been assessed within the submitted documentation. In this regard, it is firstly noted that once operating, the HS2 line would result in noise generation by the passing of trains which would not be a constant noise source. Secondly, as noted above by the Environmental Health Office the presence of a building on the site, between the nearest residential properties on Cumwell Lane and Bateman Road to the east and the HS2 track and the M18 motorway to the west, could reduce the impact of any noise generated by the latter.

#### Vibration:

Objections have been received in relation to the potential for vibration to impact on local residents from on site uses as well as HGV movements. In this regard the Environmental Health Officer has suggested that a condition should be attached to any permission which would require the submission of a plan detailing the potential for vibration from any proposed uses at the site, along with any appropriate mitigation. Objections have also asked if they would receive compensation for any damage caused by vibrations to nearby

properties. This is not a material planning consideration, if a development caused damage to a nearby property that would be a civil matters between parties.

**Lighting:**

Objections have been received in relation to disturbance that could be caused by lighting at the site as well as headlights on vehicles. The Environmental Health Officer has suggested a condition is attached requiring the submission of the details of the proposed lighting at the site, to ensure that any impact is minimised. Any impact of headlights on vehicles is not considered significant, particularly bearing in mind the proposed landscaping on the Cumwell Lane site frontage.

**Odour:**

Objections have been received regarding odours that could be generated by the HGV fuelling station, however the Environmental Health Officer considered that this would be negligible provided that the site is operated in accordance with relevant guidelines.

**Land Contamination:**

The application was supported by a Contamination Desktop Study which has been assessed by the Council's Land Contamination Officer. She notes that, based on the former history of the application site and surrounding sites, it is highly unlikely that significant contamination of the ground and controlled waters has occurred. For this reason it is not considered that there will be any significant risks to human health from contaminated land.

However, the desk top study provided has suggested there is potential for the site to have been used as a compound in the 1970's during the construction of the M18/A631 interchange adjacent to the site. Made ground may therefore be present which could give rise to some geotechnical issues and to contamination being present. Therefore it is recommended that a condition is attached requiring the submission of a limited site investigation to be undertaken to determine the engineering properties of the underlying material, the contamination status and the underlying groundwater regime.

**Air Quality/Dust:**

Supplementary Planning Document No.2 Air Quality and Emissions was adopted by the Council in June 2020. This Supplementary Planning Document aims to assist in reducing emissions to air in Rotherham. It is aimed at helping the Local Planning Authority deliver national air quality objectives and policy set out in the Local Plan.

This includes proposed mitigation for developments types.

An Air Quality Assessment was submitted with the original application, and a further more detailed report was submitted this year. This looks at the impact on Air Quality during the Construction Phase and the Operational Phase along with any proposed mitigation measures.

During the Construction Phase the most significant potential sources of dust emissions would be the earth works and construction activity, which would be temporary in nature, and mitigation is proposed to minimise dust (as part of the Construction Management Plan). Furthermore the mitigation measures should ensure that emissions from the construction phase result in a 'not significant' effect on air quality. In relation to vehicular pollutants from construction traffic it is not considered that a development of this quantum would result in a significant increase in movements above the national criterion. Additionally, the duration of movements will be short term in nature and as a result can be considered to have insignificant effects on air quality.

Turning to the Operational Phase of the development the Air Quality Assessment concludes that the overall effect on air quality as a result of the additional development trips on sensitive receptors is considered to be 'not significant'. Proposed mitigation measures include the provision of Electric Vehicle charging points and the implementation of a Travel Plan to include measures for car sharing; initiatives to encourage cycling and walking; and off site improvements to walkways/cycleways.

The Council's Air Quality Officer has assessed the submitted information and notes that mitigation has been proposed as part of the development which would improve air quality in the locality by reducing reliance upon car movements to and from the site. She notes that this mitigation is in accordance with details included within the adopted SPD and that their provision should be conditioned.

Policy CS26 'Minerals' states in part that "*Mineral Safeguarding Areas will be defined around all deposits of coal, aggregate limestone (in the south-eastern part of the borough between Thorpe Salvin and Maltby), and brick clay (between Hellaby and Maltby), that are considered to be of current or future economic importance.*

*The purpose of Mineral Safeguarding Areas is to ensure resources are protected beyond the plan period, therefore in Mineral Safeguarding Areas there is no presumption that safeguarded resources will be worked but any potentially incompatible development should not sterilise underlying or adjacent mineral resources. All non-mineral development proposals within the Mineral Safeguarding Areas will be encouraged to extract any viable mineral resources present in advance of construction where practicable, and where this would not have unacceptable impacts on neighbouring uses.*

*Proposals for non-mineral development within the Mineral Safeguarding Areas (except for householder development and conversions/ changes of use which do not involve any new building or excavation works) will be supported where it can be demonstrated that:*

- a. the proposal incorporates the prior extraction of any minerals of economic value in an environmentally acceptable way; or;*
- b. mineral resources are either not present or are of no economic value; or*
- c. it is not possible to extract the minerals in an environmentally acceptable way or this would have unacceptable impacts on neighbouring uses or the amenity of local communities; or*

- d. the extraction of minerals is not feasible; or*
- e. the need for the development outweighs the need to safeguard the minerals for the future; or;*
- f. the development is minor or temporary in nature; or*
- g. Development would not prevent the future extraction of minerals beneath or adjacent to the site.”*

As the application is within a Minerals Safeguarding Area the developer has submitted supporting information to show that, due to the location of the site close to houses and the M18 motorway and also due to the archaeological implications at the site, it is not appropriate for Mineral Extraction. The submitted information is considered to comply with the relevant part of the policy in this regard.

#### 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.”*

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.”*

The Site Development Guidelines in the Local Plan state that: *“Development proposals should have regard to issues of amenity given the proximity of Sandy Lane Farm and include appropriate mitigation as necessary”.*

Impacts of the development on residents in terms of noise/air quality etc are discussed in more detail above.

Objections have been received in relation to loss of views, devaluation of existing properties, and the impact that the development of this once green field site will have on the quality of life and mental health of existing residents. Again, it should be noted that the site is no longer Green Belt and is allocated for Industrial and Business Use, and its development for this use is therefore acceptable in principle. Other issues relating to loss of views and devaluation of houses are not material planning considerations.

Objections have been received on the grounds that the building would block out light and overshadow the nearby properties. Whilst only indicative and ultimately subject to full consideration at the reserved matters stage, section plans through the proposed buildings have been submitted which also include the 25 degree line. These show that none of the buildings fall within the 25 degree line, and as such no significant overshadowing or loss of light would be caused to the occupiers of the nearby dwellings.

Objections have been received on the loss or privacy and outlook. The impact of the proposal on nearby local residents has been considered as part of the assessment of the application. It is recognised that the development will have an impact on local residents as the site is currently open agricultural land and is undeveloped, and that the development once implemented would result in the provision of a large amount of employment floorspace with associated traffic movements and activity. The outlook for surrounding residents will alter due to the site being developed, and activity close to the site may increase, although residents privacy would not be significantly impacted by the proposal. In this regard it is noted that the site is now allocated for Industrial and Business use and as such the proposed uses are acceptable in principle.

The traffic impact with proposed mitigation is considered to be appropriate to serve the site and the 3 access points are considered acceptable. Whilst no other matters are to be considered at this time, the supporting information including a Noise Assessment, Air Quality Assessment and indicative plans and images have been assessed and it is considered that the impact on residential amenity of the use of the site as proposed can be suitably mitigated so that no significant adverse impacts are created which would justify refusal of the application.

#### 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 and it is not considered that the development would significantly impact on the setting of any listed building.

SP42 'Archaeology and Scheduled Ancient Monuments' states, 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 require the proposal to be supported by a Heritage Statement for Archaeology, which was submitted. South Yorkshire Archaeology Service has assessed the report and submissions and note that the results are archaeologically very significant, demonstrating a considerable range of archaeological features. They include large scale “brickwork pattern” field boundaries, smaller contemporary enclosures with pits and post-holes and an important pottery assemblage dating mainly to the 4<sup>th</sup> Century AD. This type of site is more common in the limestone areas to the east but is rare in Rotherham district. The report makes clear the importance of the finds and stresses the need to further investigate the site, as there is high potential for far more archaeological information to be obtained. It is therefore recommended that a condition is attached to any permission requiring that further work is undertaken. This being the case the proposal is considered to be in accordance with the relevant policies in the Local Plan.

#### Telecommunications

Policy SP61 'Telecommunications' states that: *“The Council supports and encourages the expansion of electronic communications networks, including telecommunications and high speed broadband.”*

In this respect the four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. A condition is recommended that would address this matter.

#### Other issues raised by objectors

Numerous objections have been raised, many of which have been considered above and where relevant can be addressed by way of recommended planning conditions, and others are not material considerations to be taken into account in the determination of this application.

Numerous objections have been received about why the development can't be located on a different vacant site or even within existing buildings in the locality, many citing the Wincanton Building which is currently vacant on Rotherham Road. The developer has said that Wincanton themselves vacated the building to locate to a larger building with increased capacity, and that this is a good example of the current issue in Rotherham in terms of there not being a ready supply of industrial sites that meet the requirements of national logistic operators.

Objections have been received in relation to the speed that objections are loaded onto the file. There have been a large number of objections received for this application and as such it is not always possible to load objections onto the file immediately, though all have been included on the file and area available to view.

## **Conclusion**

The site was previously allocated for Green Belt purposes in the former Unitary Development Plan (UDP) but that Plan has been replaced with the adopted Local Plan, which includes the Sites and Policies Document that was adopted on 27th June 2018. The Sites and Policies Document removed the site from the Green Belt and allocates it for 'Industrial and Business' purposes. It forms allocated Employment Site E24. As such, the proposal is acceptable in principle.

Subject to the provision of mitigation measures it is considered that the impact on the local and strategic highway network is acceptable. Additionally it is considered that issues relating to drainage and flood risk, landscape and trees, ecology, general amenity issues, the impact on existing residents and heritage are acceptable subject to the submission of full details within reserved matters applications.

It is therefore recommended that planning permission be granted subject to the following conditions.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **6, 7, 17, 33, 34, 35, 36, 37 and 43** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **6, 7, 17, 33, 34, 35, 36, 37 and 43** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

GENERAL

01

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

Reason

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

02

Before the commencement of the development, details of the layout, scale, appearance and landscaping, as well as access within the site (beyond the first 20m of access road from Cumwell Lane) shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

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

03

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

Location Plan Dwg No. 18140 (Su) 001 A

Site Plan Dwg No. 18140 (P) 201 A

Illustrative Masterplan Dwg No. 18140 (P) 002 A

2274 - FO1 Rev G

2274 – FO2 Rev G

Reason

To define the permission and for the avoidance of doubt

04

All subsequent applications for the approval of reserved matters shall include details of the existing and proposed finished floor levels of the buildings which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved levels.

Reason

For the avoidance of doubt and in the interests of the amenity of the existing residents adjoining the site in accordance with the Local Plan.

TRANSPORT

06

The development shall not be commenced until details of the proposed alterations at the Bawtry Road/Cumwell Lane junction, indicated in draft form on plan reference 2274-FO5 Revision G, have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until the approved details have been implemented.

Reason

In the interest of highway safety

07

The development shall not commence until a detailed scheme to provide the works shown in draft form on Plan Reference Option 5 Drawing No. HE566833-AONE-GEN-M18 J1-DR-C-GA06 Revision P01, (at J1, M18) have been submitted to and approved in writing by the Local Planning Authority. No more than 13,407sqm of floor space shall be occupied until the approved works have been completed on site.

Reason

In the interests of ensuring the safe and efficient operation of the Strategic Road Network.

08

Details of a 3 metre wide footway/cycleway on the site frontage to Cumwell Lane, and fronting Sandy Lane between its junction with Cumwell Lane and the existing footway to the west of the bridge over the Motorway (as indicated in draft form on plan ref.2274-FO11 Revision A) , shall be submitted to and approved by the Local Planning Authority and the development shall not be occupied until the approved details have been implemented.

Reason

In order to promote sustainable transport choices and provide appropriate visibility at the accesses.

09

The proposed northern and southern accesses shall not be used by HGVs.

Reason

These accesses are not designed for such vehicles and in the interests of road safety and general amenity.

10

Details of the surfacing of the proposed forward visibility splay on the eastern side of Cumwell Lane, opposite the intended HGV access, shall be submitted to and approved by the Local Planning Authority and the development shall not be occupied until the approved details have been implemented.

Reason

In the interest of highway safety

11

On site car parking provision shall accord with the Councils Maximum Car Parking Standards.

Reason

In the interests of road safety.

12

The measures contained in the Framework Travel Plan dated April 2020 shall be fully implemented during the lifetime of the development. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent modifications to the Travel Plan following submission of progress performance reports as timetabled in the monitoring strategy.

Reason

In order to promote sustainable transport choices.

13

All subsequent applications for the approval of reserved matters shall include a scheme to provide electric vehicle charging points within the car parks in accordance with Supplementary Planning Document 2 'Air Quality and Emissions' and the approved scheme shall be implemented before the development is occupied.

Reason

In order to promote sustainable transport choices.

14

The proposed access barrier at the southernmost access to the site shall be located a minimum distance of 20 metres from the highway boundary.

Reason

In the interest of highway safety

#### AMENITY

15

No building on the section of the site marked A on the approved Site Plan Dwg No. 18140 (P) 201 A shall exceed 15metres in height above existing ground level.

## Reason

In the interest of the amenity of the area and in accordance with relevant Local Plan policies.

16

No building on the section of the site marked B on the approved Site Plan Dwg No. 18140 (P) 201 A shall exceed 24 metres in height above existing ground level.

## Reason

In the interest of the amenity of the area and in accordance with relevant Local Plan policies.

17

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

- details of vehicular routing
- traffic management measures during the construction work;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of any storage on site
- details of loading/unloading of materials/plant;
- details of car parking facilities for the construction staff;
- details of proposed hours of construction on/deliveries to the site;
- details of any lighting;
- details of the quality of soil and its movement and temporary storage during construction, and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

## Reason

In the interests of highway safety and residential amenity.

18

During the hours of 07:00 to 23:00, the BS4142:2014 rating level, measured over 1 hour shall not exceed the background sound level by more than 3dB above the background (LA90) at the nearest sound sensitive properties as measured in the SLR Noise Assessment (July 2020). During the hours of 23:00 to 07:00, the BS4142:2014 rating level, measured over 5 minutes shall not exceed the background sound level by more than 3dB above the background (LA90) at the nearest sound sensitive properties as measured in the SLR Noise Assessment (July 2020).

The nearest sound sensitive receptors are identified in the SLR Noise Assessment (July 2020), Section 4.

Reason

In the interest of the amenity of the area and in accordance with relevant Local Plan policies.

19

All subsequent applications for the approval of reserved matters shall include a detailed plan for the management of the delivery and service vehicles and a subsequent BS4142:2014 Noise Assessment which shall be submitted to the Local Planning Authority to demonstrate how the levels set out in Condition 18 can be achieved. The approved details shall be implemented on site.

Reason

In the interest of the amenity of the area and in accordance with relevant Local Plan policies.

20

No noise generating plant including mechanical ventilation or refrigeration/air conditioning, extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve no more than 3dB(A) above the prevailing background levels, outside the windows of the nearest noise sensitive properties during the quietest measured period. The approved details shall be implemented and maintained on site unless agreed in writing with the Local Planning Authority.

Reason

In the interest of the amenity of the area and in accordance with relevant Local Plan policies.

21

All subsequent applications for the approval of reserved matters shall include a report on the potential for vibration from industrial machinery to affect neighbouring businesses and residential properties. The report shall address any remedial works that need to be carried in order to avoid any adverse impact on nearby noise sensitive receptors.

Reason

In the interest of the amenity of the area and in accordance with relevant Local Plan policies.

22

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction

and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'

Reason

In the interest of the amenity of the area and in accordance with relevant Local Plan policies.

23

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

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with relevant Local Plan policies

24

All subsequent applications for the approval of reserved matters shall include details of any external lighting to the development which shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how the lighting meets the guidance provided by the Institute of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". The details shall show that the lighting shall be shielded and all lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane. It shall also demonstrate that lighting is directed away from sensitive areas such as retained boundary treelines and new landscape planting, in order to reduce potential impacts to bats and other wildlife present on the site. The approved lighting details shall be implemented and maintained on site unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of the amenity of the area and biodiversity and in accordance with relevant Local Plan policies.

## DRAINAGE

24

A foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is first brought into use. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);

- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

To ensure that the development can be properly drained in accordance with the Local plan and the NPPF.

25

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

a/ a permeable surface and sub-base, 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 the development can be properly drained in accordance with the Local plan and the NPPF

26

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

Reason

To prevent pollution of any watercourse in accordance with the Local plan and the NPPF.

27

Notwithstanding the submitted details, a Flood Risk Assessment based on existing flood risk, proposals to mitigate flood risk and sustainable drainage principles for the development, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

To ensure that the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

28

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

### Reason

To ensure that the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

### LANDSCAPE/TREES

29

All subsequent applications for the approval of reserved matters shall include a detailed landscape scheme which shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected, including the replacement for the stone boundary wall on the Cumwell Lane frontage that will be removed to provide the cycle/footway in this location.-
- a scheme for the re-use of the stone from the boundary wall if it is not to be re-used in the replacement of the boundary wall.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
  - o Plans detailing adequate soil volume provision to allow the tree to grow to maturity
  - o Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
  - o Staking/tying method(s).
  - o Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February

inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape -

Recommendations.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with relevant Local Plan policies.

30

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with relevant Local Plan policies.

31

All subsequent applications for the approval of reserved matters shall include a scheme of advance structure planting to provide screen planting to site boundaries and structure planting along access roads and associated with key entrances and junctions which shall be submitted to and approved in writing by the Local Planning Authority. In particular these planting proposals should seek to address and minimise through the combined use of landform, bunding and planting any potential adverse visual effects to residential properties in the Bateman Road and Sandy Lane areas and users of Cumwell Lane .

The approved planting shall thereafter be implemented in accordance with the approved details:

- i. Prior to the first occupation of the part or phase of development to which the screen relates: or
- ii. In accordance with an implementation timetable agreed in writing with the Local Planning Authority.

Reason

In the interest of the visual amenity of the area and in accordance with relevant Local Plan policies.

32

No trees, shrubs or hedges within the site which are shown to be retained on the approved plans (Plan/Drawing: TreeSurvey.pdf,18140\_PI\_002A Illustrative Masterplan.pdf) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority. Any shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants or similar species capable of achieving a comparable size unless the Local Planning Authority gives written consent to any variation.

Reason

to secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area and in accordance with relevant Local Planning policies.

### ECOLOGY

33

The development shall not be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall be produced based on the principles outlined in the Ecological Assessment (11665 R01b CE LP), the Ecological Addendum Report (11665 R05) and the Badger Survey(11665 R06) and shall set out measures during the construction phase to protect retained habitat features of importance through appropriate fencing and site best practice to avoid pollution from run-off and protected and priority fauna including bats, badger, breeding birds and common toad. The document will also detail control against any potential pollution effects, such as dust or surface water run off during the construction phase of the proposed development.

Reason

In the interest of biodiversity and in accordance with relevant Local Plan policies.

34

The development shall not be commenced until a Landscape and Ecological Management Plan (LEMP), along with timescales for implementation, has been submitted to and approved by the Local Planning Authority. The LEMP shall be produced based on the principles outlined in the Ecological Assessment (11665 R01b CE LP), the Ecological Addendum Report (11665 R05) and the Badger Survey(11665 R06) and all approved mitigation measures shall be carried out in accordance with the approved timescales.

Reason

In the interest of biodiversity and in accordance with relevant Local Plan policies.

35

Prior to the commencement of development, including any site clearance activities/earthworks, an updated badger survey shall be conducted to assess the current status of badgers. All earth works and excavations which could potentially trap a badger shall be covered at the end of daily operations where practicable, with inclusion of a ramp to allow access to avoid trapping a badger. Work is to be undertaken during the daytime when badgers are least active to minimise disturbance to their foraging activities. Should an occupied sett be discovered during this updated survey and it is likely to be affected by the development, a mitigation strategy and licence shall be submitted and approved by Natural England, and development shall only take place in accordance with this approved strategy.

Reason

In the interest of biodiversity and in accordance with relevant Local Plan policies.

### ENVIRONMENTAL

36

Prior to development commencing a limited Phase II Intrusive Site Investigation shall be undertaken in accordance with sections 7.3.1 – 7.3.3 and 8.2.1 – 8.2.4 of the Geoenvironmental & Geotechnical Desktop Study, Cumwell Lane, Hellaby – Prepared by Campbell Reith, dated July 2018, reference 12977, final version.

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 shall be submitted and approved by 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.

37

Subject to Condition 36 above and prior to development commencing, a Remediation Method Statement shall be submitted to and approved by the 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 Report and under a full quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

#### Reason

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

38

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

#### 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.

39

If subsoils / topsoils are required to be imported to site for gardens/soft landscaping areas, 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. The results of which will need to be presented in the format of a validation report which will be submitted to the 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.

40

Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Planning Authority for review and comment. The Validation Report shall include details of the remediation works 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.

41

All buildings exceeding 1,000sqm in footprint (measured externally) on the site 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.

42

All subsequent applications for the approval of reserved matters shall include a Waste Management Plan which shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented on site.

Reason

To ensure that Waste is managed at the site in line with Local Plan Policies

## ARCHAEOLOGY

43

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation *in situ* of identified features of importance.
- The programme for post-investigation assessment.

- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

#### Reason

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

### TELECOMMUNICATIONS

44

All subsequent applications for the approval of reserved matters shall include details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Reason for Condition:

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF

### **INFORMATIVES**

#### Environmental

01

Should any toads or other common amphibians be encountered during the construction phase they should be carefully moved by hand away from harm's way, into an alternative area of suitable habitat in proximity to the site, such as boundary hedgerows and treelines retained. Such measures would be included in the CEMP.

02

A precautionary approach during vegetation and ground clearance is proposed to avoid harm to amphibians, should they be present.

03

Should the proposals change, resulting in direct or indirect impacts to trees with bat roost suitability, then a check of all suitable bat roosting features within any onsite trees scheduled for removal or remedial works will be undertaken in advance of such works. Where no suitable roost features are found then work should be conducted outside of the bird nesting season (March – August inclusive) or confirmation from an ecologist that no active nests are present.

04

Where felling/arboricultural management works are required to any trees identified as having potential roost features, these will be overseen by a licenced bat ecologist and timed, if possible, when bats are unlikely to be present. Further tree climbing inspections or emergence surveys may be required to determine the presence or likely absence of roosting bats and management works would require a licence from Natural England if a roost is identified.

05

All wild birds, their nests and eggs are afforded protection under the WCA 1981 (as amended). As such the removal of woody vegetation and demolition of onsite buildings could trigger this legislation, which protects birds while actively nesting, should active nests be damaged or disturbed during the works.

06

New planting should be designed to include the provision of native species or those with a known importance to wildlife, as far as possible, with particular consideration of the protected and priority species known to be utilising the site, or with potential to do so.

07

To minimise impacts to local bat populations, an appropriate lighting strategy will be provided to inform the LEMP to ensure that lighting is directed away from sensitive areas such as retained boundary treelines and new landscape planting, in order to reduce potential impacts to bats and other wildlife present on the site.

08

Further enhancement can be delivered through retention of log piles arising from vegetation clearance. These will provide habitat for dead wood specialist invertebrates, not to mention fungi and other fauna, including common toad.

09

The LEMP shall include details of landscape strategy and planting plans and provide detail of habitat management prescriptions which should include measures to provide enhancements for badgers.

## Environment Agency

10

### Pollution prevention:

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to Pollution Prevention Guide 26 for the storage of drums and intermediate bulk containers.

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

N.B. If fuel is to be stored below ground we should be re-consulted and given the opportunity to comment further.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

We advise that polluting materials and chemicals are stored in an area with sealed drainage

11

### Effluent:

Effluent and run-off from vehicle washing and cleaning activities can damage the environment and pollute rivers, streams, and groundwater. Dirt, brake dust, traffic film residue and oils that are washed off are all pollutants. The cleaning agents used (including those labelled biodegradable or traffic film removers) are very poisonous to river life.

Activities that produce run-off from the vehicle onto the ground and use cleaning and valeting products should be carried out in areas that are clearly marked and isolated from surface water drainage systems, unmade ground and porous surfaces (such as soakaways). These areas are called designated washing bays and should be clearly marked, ideally with a kerb surround.

Before discharging to a sewer you must always get a trade effluent consent or enter into a trade effluent agreement with your water and Sewerage Company or authority. If you are not able to discharge effluent to the foul sewer it will be classed as waste and you must then comply with your duty of care responsibilities.

More information regarding the discharge of trade effluent can be found at <http://www.netregs.org.uk/environmental-topics/water/trade-effluent-managing-liquid-wastes/> and "[The Environment Agency's approach to groundwater protection](#)" on discharge of liquid effluents to the ground

12

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.

13

The stone salvaged from the demolition of the stone boundary wall on the Cumwell Lane frontage that will be removed to provide the cycle/footway in this location should be used to provide entrance features at the 3 entrance points, details of which should be included with the proposed landscaping scheme for the site. Security fencing on the road frontages would not generally be acceptable and if required should be sited behind the landscaping in these locations.

14

Broadband provision

Please see the attached note from Superfast South Yorkshire regarding the Broadband provision

## **POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2020/1520</b> <a href="https://rotherham.planportal.co.uk/?id=RB2020/1520">https://rotherham.planportal.co.uk/?id=RB2020/1520</a>
<b>Proposal and Location</b>	<b>Change of Use to residential institution (Use Class C2) 268 Kimberworth Road Bradgate</b>
<b>Recommendation</b>	<b>Grant conditionally</b>

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



### Site Description & Location

The application site is a detached dwelling fronting onto Kimberworth Road close to the junction with Psalters Lane. The house has a private garden area to the side of the property. The house is within the grounds of Masbrough Cemetery, and the closest residential properties are approximately 30 metres away across Kimberworth Road and Psalters Lane.

Kimberworth Primary School lies immediately to the west of the site.

### Background

There is no relevant planning history relating to the site.

## **Proposal**

The application is submitted by the Councils Children and Young People's Services, and seeks full planning permission to change the use of the building from a C3 (dwelling house) use to use class C2 (residential institution).

The property has been purchased as part of the Councils residential homes development programme. The building will be used as a children's home for 1-2 children and young people in care from 8-18 years who require residential accommodation and support. The plan set out by the applicant is that the children and young people will stay in the children's home for an agreed period of time and then be supported into a family-based setting or onto an adult services provision.

The proposal would be staffed 24 hours a day 7 days a week with trained qualified and experienced residential practitioners. There are likely to be between 2 and 4 staff on duty at any one time. There is parking available for 2/3 cars within the property. Any additional guests visiting the home (e.g. Social Workers) will be encouraged to park in places that do not impact on neighbours or access to the neighbouring streets. There will be a Registered Manager and Deputy manager on site to ensure that good communication and relationships are developed and maintained within the local community.

Subject to delays resulting from COVID-19, the children's home plans to open in Early 2021.

## **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 which was adopted by the Council on the 27th June 2018.

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

Local Plan policy:  
SP 38 'Protecting Green Space'  
SP 52 'Pollution Control'

## **Other Material Considerations**

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

National Planning Policy Framework: The revised NPPF came into effect 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 has been advertised by way of neighbour notification letters to 9 adjacent properties. 16 representation have been received, and the comments are summarised below –

- Already issues with parking and road safety, especially at school times
- Not enough parking on site
- Lack of transparency and poor communication from the Council, and not in the spirit of the Rotherham Plan
- No Community Impact Assessment carried out
- It is likely that the children will have behavioural problems
- Existing housing stock should have been used instead of the Council buying new properties, questions about value for money etc.
- No notice has been attached to a lamp post
- Not sufficient information with the application
- Increased crime in the area

The occupiers of one residential property have requested the Right to Speak at the Planning Board meeting.

### **Consultations**

RMBC - Transportation and Highways Design - No objections

RMBC - Environmental Health – No Objections

### **Appraisal**

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

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

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

The main considerations are –

- Principle of Development
- Impact on Residential Amenity
- Transportation Considerations
- Other Matters Raised by Local Residents

#### Principle of Development

The proposed use would fall within class C2 'Residential Institutions' (use for the provision of residential accommodation and care to people in need of care).

Recent planning law has noted that a change of use from C3 to C2 might not result in a material change of use if the resulting use of the building is similar to the character to that of a normal dwelling house. In this instance it is considered that there would be a material change of use due to the changeovers of staff at this property.

The site is allocated as Green Space within the Local Plan and Local Plan and policy SP38 'Protecting Green Space' deals with the proposed loss of such areas. However, the house is existing and has previously been used for residential use, so the proposal is not considered to result in the loss of any Greenspace and as such complies with the requirements of this Policy.

There are a range of uses within the vicinity of the applicant site, including a cemetery and local primary school. However, the neighbouring properties to the east and north are primarily in residential use and, in the absence of evidence to the contrary, the lawful use of the application property itself is as a dwellinghouse. As such, the proposed change from the building's current residential use to a residential care facility is considered acceptable in principle subject to an acceptable impact on the amenity of neighbouring properties and acceptable parking and highway safety arrangements.

Subject to the granting of any planning permission, it would be subject to a condition limiting the use of the property to a care home, with a maximum of 2 residents and for no other use within Use Class C2 of the Use Classes Order.

#### Impact on Residential Amenity

Policy SP52 Pollution Control states: "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.

There are no external alterations proposed to the property and given its relatively isolated location, no concerns are raised relating to overbearing, overshadowing or visual intrusion of nearby residential properties or garden areas.

It is noted that a number of objections make reference to the potential impact on existing residents in the area. The proposal would result in the change of use of the property from a residential dwelling to a children's home for up to a maximum of 2 children with 24 hour a day care. The property would be accessed by the occupants, members of staff and other support workers such as social workers. These comings and goings and associated vehicle movements may increase the level of activity marginally beyond that which would normally be associated with a dwelling house. However, the property is a relatively large, detached dwelling and stands alone at the front of the Masbrough Cemetery, separated from the closest residential properties on Psalter Lane and Kimberworth Road by approximately 30 metres.

In this regard, it is not considered that the increase in activity at the property would be significantly different from how the property would have been used as a dwelling house with a family occupying it. Taking this into account and considering the relatively isolated nature of the property, the impact of the proposed use on neighbouring residential amenity would not be so significant to warrant a refusal of planning permission.

Further representations received from local residents make reference to the housing of children with behavioural problems, however all children accommodated within the property will be supervised on a 24 hour basis and as such, it is not considered that this issue would create any significant

impacts on the residential amenity of existing residents, or crime rates in the area.

It is also noted that the Council's Environmental Health section has raised no objections. On this basis, it is not considered that the level of activity associated with the proposed use would be so significant that it would result in an unacceptable noise / nuisance impact on surrounding residential properties.

It is therefore considered that the development would not have an unacceptable detrimental impact on the residential amenity of the neighbouring and surrounding residential properties and would comply with Policy SP52 Pollution Control in this respect.

### Transportation

The Transportation Officer has noted that the proposal would result in 2 or 3 staff being at the building at one time and that 2 car parking spaces are available within the site.

Whilst many objections have been received on the grounds lack of parking and highway safety issues, compounded by the nearby school, the Council's Transportation Officer does not raise any objection on the grounds of highway safety and also notes that the site is well accessed by public transport.

### Other Issues Raised by Objectors

Objections have been received on the grounds that the Council has not been transparent and communicated sufficiently with the local community. In relation to the planning application, 9 neighbouring properties were consulted by letter, a site notice was not erected in relation to this application as neighbour letters were sufficient to comply with statutory publicity requirements.

The Council's Children and Young People Services did send a letter out once the planning application process had commenced providing additional information, however these were received by residents after the planning application notification letter. The consultation processes of other departments is not a material consideration to the determination of this planning application.

Other issues regarding processes followed, the lack of community impact assessment, property values etc were also raised, but again there are not material planning considerations to be considered as part of this application.

### Conclusion

Given the location of the detached dwelling, together with the nature and intensity of the proposed use, it is considered that any noise would be akin to a "traditional" residential dwelling and as such the amenity impact on neighbouring residents would be minimal. Furthermore, the presence of

several carers at anyone time will ensure that the children and young people in care are suitably supervised, which will also help with reducing any impact on the amenity of neighbours. The Transportation Unit raise no objection in Transportation terms to the application.

Having regard to the above it is considered that the proposed change of use is acceptable, and it is recommended that planning permission be granted.

### **Conditions**

01

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

Reason

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

02

The premises shall be used as a residential care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2987, (or any Order revoking and re-enacting that Order with or without modification).

Reason

The premises are not considered suitable for general use within the Class quoted for amenity and highway reasons.

03

The number of children cared for at the site shall be limited to a maximum of 2 at any one time.

Reason

In accordance with the details submitted with the application and for the avoidance of doubt.

### **Informative**

Whilst the Transportation raise no objections to the application, parking of staff and visitors should be managed by the applicant to ensure that neighbours are not being inconvenienced.

### **POSITIVE AND PROACTIVE STATEMENT**

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