

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
30TH OCTOBER, 2014**

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

INDEX PAGE

RB2014/0459 Demolition of existing building & erection of a 3 storey building comprising of 6 No. apartments at The Pavilion Worksop Road Swallownest for Beaver Homes	Page 12
RB2014/0890 Demolition of existing structures and erection of a two storey block of 14 No. flats at land at High Street Rawmarsh for Hather Plant Hire Ltd	Page 24
RB2014/0923 Outline Application for residential development comprising 7no. two-bed and 4 no. three / four bed properties with details of access and layout at Bradgate House Wortley Road Kimberworth for Mrs H Wright	Page 36
RB2014/1045 Application to vary condition 02 (minor changes to footprint and elevations and the installation of a conveyor belt between buildings 1 and 11) imposed by RB2013/1331 (Installation of a biomass energy development incorporating a 350,000 tpa wood pellet manufacturing process and an associated biomass combined heat & power (CHP) plant) at Firth Rixon Ickles Works Sheffield Road Templeborough for Brite Partnership (North East) Ltd	Page 51
RB2014/1083 Demolition of existing school buildings and erection of 2/ 3-storey school building with associated parking, hardstanding and landscape works at Oakwood High School Moorgate Road Moorgate for Kier Construction	Page 71
RB2014/1145 Application to vary condition 23 (opening times) imposed by RB2014/0230 (Demolition of existing units and construction of new food store with car parking, landscaping & associated works) at land at Bawtry Road Bramley for Aldi Stores Ltd	Page 92

<p>RB2014/1146 Application to vary condition 09 (opening times) imposed by RB2009/1211 (Erection of foodstore with associated car parking, landscaping and new access) at Aldi Foodstore Ltd 126 Fitzwilliam Road Eastwood for Aldi Stores Ltd</p>	<p>Page 108</p>
<p>RB2014/1152 Application to vary condition 18 (opening hours) imposed by RB2013/1522 (Erection of food retail store with associated car parking) at land at Sheffield Road Swallownest for Aldi Stores Ltd</p>	<p>Page 113</p>
<p>RB2014/1217 Application to vary Conditions 01 (approved plans), 02 (materials) & 03 (working hours) imposed by RB2014/0057 (Continuation of erection of buildings to form waste treatment and renewable energy facility including ancillary visitor centre, installation of weighbridges, substations, firewater storage tank & pump house, fuel storage tank, fencing and external lighting, formation of access road to Bolton Road including bridge across Hound Hill Dyke, alteration to bridleway and associated car parking and landscaping) at Land at Bolton Road Manvers for Shanks Waste Management</p>	<p>Page 125</p>

Background

Historically the site was undeveloped from 1855 – 1905. From the 1920's onwards a Public Hall was constructed over the northern two thirds of the site. By 1935 the building can be seen to cover the majority of the site and is marked as 'cinema'. By 1972 the building layout is shown as the same but labelled as a Bingo Hall.

RB2002/1362 - Change of use from snooker club to restaurant and hot food takeaway - REFUSED

01

It is considered that the proposed development would be materially detrimental to the residential amenities of adjoining occupiers by way of the generation of extraneous traffic and all associated nuisance, particularly during the late hours of the evening.

02

It is considered that the proposed development would be materially detrimental to the residential amenities of the adjoining occupiers by way of noise and fumes from the fume extraction unit.

03

The proposed use would result in the generation of additional traffic and associated parking and turning manoeuvres in the highway to the detriment of the free and safe flow of traffic.

Proposal

The applicant seeks to demolish the existing Edwardian Snooker Hall and erect a new block of six, two bedroom flats with parking for four cars to the rear, utilising the existing access point onto Worksop Road, which would be retained at its current width of 2.75m (minimum). The rear courtyard will also include a small area of amenity space. The plans have been amended to include bollards at the front of the building to prevent indiscriminate parking on the footway/forecourt.

The new flats will measure 10m high (6.8m eaves), 10m wide and 15.3m long. The existing building to be demolished is approximately 10.3m high (7m to eaves), 9.5m wide and 35m long, and as such the proposed building is marginally lower than the existing Edwardian property and significantly shorter. The height of the eaves will however be higher than the existing Snooker Hall as the roof design has changed. The applicant has indicated that the existing Snooker Hall is no longer viable and due to its age is in a poor state of repair.

The applicant has submitted a supporting letter justifying the demolition of the Snooker Hall: The applicant states the following:

- The applicant ran the business profitably between 1990 -2004.
- Between 2004 – 2009 the business was rented out and got into financial difficulties due to changes in the licensing industry, the smoking ban and supermarket low cost alcohol.
- Attempts to revive the business have failed to make the Pavilion profitable. In addition successful live music events put on at the Snooker Hall, received a number of complaints from local residents and the Council took enforcement through a noise abatement notice.

The applicant's design & access statement states that:

- The site is located in the "town centre" of Swallownest on a busy through road adjacent to other residential properties. A good supply of localised on street parking is available, if required.
- Properties in the area vary in their mass and style but in the majority seem to be brick built two storey terraced properties. Other properties in the area are detached or semi-detached with many different wall and roof materials used.
- Each apartment has access to a rear amenity space, which would be accessed externally through the adjacent car parking area. The amenity area (which will include a small secure bike park) is 98m².
- The apartments are to be assigned car parking spaces depending on car ownership (a small reduction in rent is to be assigned to apartments with no access to the car park). The car parking area allows turning on site and utilises the existing access and drop kerb though this is to be extended as the current access is deemed to be inadequate even for its existing needs.
- The design concept of the proposals was to take inspiration from the surrounding area and update the design with a sum of the best features in the area. This would help to reduce the impact of the property when sat on Worksop Road with other existing properties of the same general type surrounding it. Every opportunity to enhance and reflect existing features has been taken. The use of similar materials to those already present in the area will further help to establish the proposals given the existing adjacent properties.

A land contamination report has been submitted in the form a phase 1 desk summary which concludes that:

- There is a Low to Very Low Risk to future site users from potential site contamination.
- There is a Very Low Risk to off-site human health receptors from potential site contamination.
- There is a Very Low Risk to surface waters and groundwater (controlled waters) from potential site contamination.
- There is a Very Low Risk to BBM&S from direct contact with potential site contamination.
- There is a Very Low Risk to BBM&S from ground gas & soil vapours.

A bat survey has been submitted which concludes that:

As no evidence of roosting bats was found and no features were considered suitable for roosting bats, it is considered that no further survey work or specific mitigation will be required. An EPS (Bats) Licence from Natural England will not be required before the works begin.

No evidence of bird nesting was identified and no features on the building were considered suitable for nesting birds. Therefore, building demolition works will not be constrained by the bird breeding season i.e. March to September inclusive.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Retail (Town Centre) use in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 - Delivering Rotherham's Spatial Strategy
CS28 – Sustainable Design

The application has been assessed against the following UDP policies:

HG4.3 'Windfall Sites'
T6 'Location and Layout of Development'
CR1.5 'Community Facilities'

Other Material Considerations

The South Yorkshire Residential Design Guide (SYRDG).

Supplementary Planning Guidance 'Housing Guidance 3: Residential infill plots'.

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

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

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

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.

Publicity

The application has been advertised by way of site notice, while neighbours have been notified in writing. 8 letters of support have been received and 7 letters of objection have been received including a letter from the Aston Parish Council.

The letters in support state that:

- The scheme will benefit the area financially.
- The scheme will provide affordable flats and make use of a redundant site.
- The current Pavilion Sports Bar is no longer viable.
- The Pavilion is very old and in a state of disrepair.
- There is a need for such accommodation in the area.
- No increase in parking demand from the existing use.
- The proposed building is in keeping with the area and other recently constructed large buildings.

The letters objecting to the application state that:

- The development may cause parking problems on The Beeches, both during and after construction.
- Six flats are too many for only four parking spaces.
- The height, appearance and physical size represents overdevelopment.
- The access drive to the side of the building is shared.
- Loss of community facility, potential for another community use.

Aston Parish Council considers that the development represents an overdevelopment of the site and that there is insufficient parking provision proposed.

A total of 5 people including the applicant have requested the right to speak.

Consultations

Streetpride (Transportation and Highways): Consider visibility at the existing vehicular access to Worksop Road, (2m x 32m available, 2m x 43m desirable sightline) and the available access width (minimum 2.75m), are acceptable since the development, if implemented, is likely to generate limited additional vehicular traffic only to the site. In respect of parking, the Transportation Unit notes that the provision of 4 No. parking spaces is less than the Council's current car parking standards which would warrant a total of 9 No. spaces for 6 No. flats. As such, and bearing in mind the central location of the site within Swallownest, well served by public transport, no objections are raised subject to measures to promote sustainable modes of travel, such as TravelMaster Passes and cycle parking.

Streetpride (Ecology): There are no ecological constraints to the proposed development. Suggestions have been provided to demonstrate an appropriate level of biodiversity gain in accordance with national and local planning policy, which would be addressed by way of a recommended condition.

Yorkshire Water: No comments are required from Yorkshire Water (noted that foul water only to be drained to public sewer, with surface water to soakaway).

Housing and Neighbourhood Services (Land Contamination): Notes that the application site is located within an area where coal measures are likely to be present at the site surface. It is reported that the available geological information suggests a considerable thickness of sandstone/mudstone is present at the surface of the site. For this reason ground gases are considered unlikely at concentrations that may affect the development. Given the past uses of the site and the lack of potentially contaminative activities ground contamination is considered highly unlikely. Concurs with the

Contamination Report submitted that there is very low risk to the future users of the site from potential site contamination.

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 considered to be:

- i) The principle of the proposed development and the loss of a community asset.
- ii) The design of the proposed building and its impact on the visual amenity of the streetscene.
- iii) The number of units proposed and its density.
- iv) The impact of the development on the amenity of neighbouring residents.
- v) Highway issues.

The principle of the proposed development and the loss of a community asset:

The application site is located within an area allocated for Retail (Town Centre) use within the Council's adopted Unitary Development Plan (UDP). Core Strategy Policy CS1 - Delivering Rotherham's Spatial Strategy states that: "Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community. Our strategy will make the best use of key transport corridors, existing infrastructure, services and facilities to reduce the need to travel and ensure that wherever possible communities are self-contained."

The NPPF states at paragraph23 that local planning authorities should; "recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites."

With regard to the re-introduction of residential on this site it is considered that, given that the immediate surroundings predominantly consists of residential development, such a development would not have a detrimental impact on the vitality of this part of the town centre. In addition, the commercial use has generated objection in the past from local residents and has caused conflict between the immediately surrounding residents which has apparently prevented the Pavilion from operating in a profitable manner. The commercial use has not been provided with any off-street parking such that its use is not desirable as it would result in on street parking on a busy main road.

It is noted that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development and Local Planning Authorities should approve development proposals that accord with the development plan without any delay. The development hereby proposed would be within a sustainable area and furthermore provide much needed residential accommodation.

In respect of the loss of the community facility, public houses are considered to constitute a community facility and whilst the building has been used as a snooker hall, it has been open to the general public as a drinking establishment. Policy CR1.5 'Community Facilities' states that "development proposals which involve the loss of key community facilities shall only be permitted where the Local Planning Authority is satisfied that the retention of the land or building in community use is no longer viable, or where adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility".

The NPPF states at paragraph 70 that planning decisions should; "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs."

In this instance, and notwithstanding the viability argument for the loss of the building, it is noted that there are other shops and public houses and other drinking establishments within the Swallownest/ Aston area. As such, it is considered that the loss of this facility would not lead to the loss of a "key community facility" as would be the case if the public house was the last such establishment within the village. Therefore it is considered that the loss of the use of the building as a community facility is not contrary to Policy CR1.5 'Community Facilities' or to the guidance in the NPPF.

In light of the above it is considered that the principle of introducing a residential use onto this site within an area allocated for retail would by virtue of the reasons detailed above and the information submitted by the applicant in support of this application would be in compliance with the relevant Core Strategy and UDP Policies as well as the advice in the National Planning Policy Framework.

Design issues and impact on streetscene

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

One of the core planning principles outlined within the NPPF at paragraph 17 states, planning should always seek to secure high quality design. Paragraph 56 further states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people." In addition paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The building hereby proposed is three-storey high and is set to the front of the site with parking and an amenity space area to the rear. The applicant has indicated that the building will be constructed in red brick, render and concrete roof tiles. The area has a wide variety of building materials and as such the proposed materials are acceptable and will not appear out of keeping.

The eaves height of the proposed building would be higher than the existing and as such the massing of the building would visually increase, especially when viewed from the West. In this instance the streetscene is very varied and can accommodate a slightly higher structure of three storeys in height. The nearby modern health centre is very dominant in the streetscene and at four storeys on the hilltop forms the main focal point in the area. With the varied streetscene in mind, the three storey building, with a combination of render and brickwork will not appear out of keeping in the streetscene.

It is therefore considered that the design of the scheme satisfies the requirements of paragraph 56 of the NPPF, and would improve the character of the area; in addition the scheme would satisfy the provisions outlined within Core Strategy Policy CS28.

In light of the above it is considered that the design of the building is one that is acceptable and would satisfy the relevant design policies and criteria of the NPPF and UDP.

The number of units proposed and its density;

UDP Policy HG5 'The Residential Environment' states that the Council: "will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment." This Policy supports and complements the best practice guidance outlined in the SYRDG and paragraph 56 of the NPPF.

The proposal is for 6 flats within a three-storey building which represents a density of 120 dwellings per hectare, although this figure does not include the public highway. Whilst this is a high density, it is not unusual in a town centre location. The proposed 6 no. 2-bed apartments meet the minimum 62sqm internal space standard set out within the South Yorkshire Residential Design Guide.

With regard to the external private space for the residents, The South Yorkshire Residential Design Guide states that for shared private spaces: "Shared private space for flats must be a minimum of 50 sq. metres plus an additional 10 sq. metres per unit either as balcony space or added to shared private space." In this instance this would be equivalent to 110 sqm. The proposal is provided with approximately 100 sq. metres of communal space to the rear of the building within a courtyard type area of soft landscaping. In addition the flats will have Juliet balconies and an area of landscaping will be provided to the front of the site of some 40sqm. Therefore in this instance the proposed amenity space exceeds the Council's minimum standards.

In view of the above it is considered that the six proposed flats would not be overly dominant or results in the overdevelopment of the site. As such the proposal is in compliance with the NPPF, UDP policy HG5 and the South Yorkshire Design Guide.

Impact on amenity of neighbouring residents

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

In this instance the new structure would greatly reduce the impact upon neighbouring residents when compared to the existing building. The proposed building would be approximately 20m shorter (from front to back) than the existing building, thereby significantly reducing the built form in this respect when viewed from adjoining properties either side and at the rear. As such the outlook from these adjacent properties would be greatly improved. All new habitable windows will face the main road at the front or overlook the private garden and parking area at the rear, and as such the flats will not result in the overlooking of neighbouring residents.

It is therefore considered that the proposed development would not have any significant impact on the existing amenity levels of the occupiers of these neighbouring properties. This is because the proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. As such it is in accordance with Policy HG4.8 of the UDP and the guidance in the NPPF.

Highway issues

The site would be provided with 4 car parking spaces. The parking area would be accessed off Worksop Road via an existing shared access road. The applicant has agreed to cycle parking provision as well as TravelMaster passes to encourage future residents to use public transport. Furthermore the applicant has amended the plans to include bollards to the front courtyard to prevent indiscriminate parking.

The Council's Transportation Unit have indicated that 4 spaces are acceptable in this area, given the sustainable location of the development and the applicant's willingness to provide travel master passes.

Therefore subject to recommended conditions the proposal would comply with the requirements detailed within UDP Policy T6 'Location and Layout of Development', which states that the Council, in considering the location of new development, will have regard to the increasing desirability of reducing travel demand.

Conclusion

Having regard to the above it is concluded that the proposed development would provide valuable residential accommodation in this location and would not result in the loss of an important community asset, bearing in mind that the Swallownest/Aston area is well served by a range of similar Public Houses to compensate for the loss.

Furthermore the Council considers that the proposed development by virtue of its scale and layout would be in keeping with the immediate surrounding area and would not have an adverse impact on the streetscene. The proposed development would not be detrimental to the occupiers of neighbouring properties by being overbearing, nor would

it result in any overshadowing or loss of privacy due to its siting and relationship with neighbouring properties.

The proposals would not be detrimental in highway safety terms with adequate parking on site. Furthermore the site is considered to be located in a sustainable location with access to a range of transport options.

As such the proposal complies with the NPPF, NPPG, UDP, Core Strategy and South Yorkshire Residential Design and is subsequently recommended for approval.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers JBA.3218.101.C Rev C)(received 07/10/2014)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

The cycle parking indicated on the submitted plan shall be provided before the development is occupied and shall thereafter be retained.

Reason

In order to promote sustainable transport choices.

05

The sustainable travel measures listed in the Design and Access Statement shall be implemented concurrent with the occupation of each flat.

Reason

In order to promote sustainable transport choices.

06

The proposed bollards indicated on the submitted plan shall be provided before the development is occupied and shall thereafter be retained.

Reason

In the interest of highway safety

07

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

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

Reason

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

09

Prior to occupation of the apartments if subsoils/topsoils are required to be imported to site for garden/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. If materials are imported to site then the results of testing thereafter shall be presented to the Local Planning Authority in the format of a Validation Report.

Reason

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

10

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

will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

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.

11

Before the development is commenced on site, details of bird nesting features (minimum of 6no.) on the proposed structure for species such as house sparrows and house martins shall be submitted to and approved by the Local Planning Authority and the approved features shall be installed before the dwellings are first occupied.

Reason

In the interests of the local ecology in accordance with advice in the NPPF.

Informatives

01

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990 .Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/0890
Proposal and Location	Demolition of existing structures and erection of a two storey block of 14 No. flats on land at High Street, Rawmarsh. S62 6LN
Recommendation	Grant subject to conditions



Site Description & Location

The site is in a prominent location on High Street, a busy classified road, approximately 150 metres south-west of the Bellows Road shopping centre. The proposed development site is 0.22 hectares in area and is currently occupied by a van hire business known as Hather Plant Hire. The site comprises of a canopy that was associated with the previous use of the site as a petrol filling station and there is a small

ancillary brick built structure and a storage unit towards the south of the site and is enclosed by a 2m high grey palisade fence.

Whilst the majority of the site is hard-surfaced, there is evidence of previous uses including that of the former petrol station forecourt. To the west of the site lies a significant area of woodland that is associated with Rawmarsh Cemetery, allocated as Urban Greenspace in the Rotherham UDP. North west of the site lies an area of greenbelt land that is associated with some allotments. Approximately 50 metres to the south of the site lies St Mary's Church, a grade 2 listed building that is of significant architectural and historic interest. Opposite the church is the grade 2* Listed Rawmarsh Rectory building. Residential properties lie to the north-east of the site, comprising mainly of two storey cottages.

Properties in the area vary in their mass and style but in the majority are brick built two storey properties with a traditional design. Other properties are located nearby with stone and render finishes also present.

Background

The site has been used as a Petrol Filling Station and garage since the early 1950s. The site is currently used by Fleetline Vehicle Hire.

The most relevant applications can be summarised as follows:

RB2007/1184 – 18 units comprising of 16 apartments and 2 houses –withdrawn

RB2008/0966 – Outline application for the erection of 2 No. two storey apartment buildings (10 apartments in total) – granted

Proposal

This is a full application for the erection of 14 no. apartments that is sited in a single two storey rectangular block located parallel with High Street on a north-south elevation. The proposed apartments will be located approximately 23m from High Street behind a car park and landscaped area. The apartments meet minimum internal spacing standards recommended in the SYRDG.

The proposed development incorporates a two storey building with a high roofline using predominantly brick materials with two recessed glazed stairwells to break the front façade up.

Private amenity space is provided at the rear of the building with all units having a common access through either rear apartment accesses (in the case of ground floor rear facing apartments) or through secure access gates located on the front elevation of the building. The site has a total area of approximately 2,200 square metres and the proposed building will have a footprint of approximately 558sqm giving the built footprint area of approximately a quarter (25.47%) of the overall site area.

A private off road car parking area is located at the front of the building, accommodating 21 car parking spaces of which two of those would be for disabled use.

The application has been supported by a Design and Access Statement. The main points of which can be summarised as follows:

- The use of projecting gables, the particular design of the glazed elements and the use of fully glazed stair compartments will help to break up the mass of the building sufficiently to help reduce the overall massing.
- The proposed setting back into the site of the proposed building along with the soft and hard landscaping between the road and the building will help to reduce any remaining impact.
- The rear amenity space of the proposals is at least 403sqm and is available for the use of all the apartments.
- Generally, areas around the parking area and front elevation (areas not occupied by trees and bushes) are to be set to grass. The amenity area is to be set to grass with trees and bushes to the perimeter.

Following discussions with the agent, the following amendments have been made:

- A reduction in the gradient of the proposed vehicular access to the site to approximately 1 in 16.
- A re-location of the refuse store to the left and front of the building.
- A reduction in the space provided for turning and more prominence given to the landscaping and entranceways to the front of the building.
- An increased landscape strip between the car park and the front of the building.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS21 'Landscape'
CS23 'Valuing the Historic Environment'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV2.8 'Settings and Curtilages of Listed Buildings'
ENV3.2 'Minimising the Impact of Development'
ENV3.4 'Trees, Woodlands and Hedgerows'

Other Material Considerations

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

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

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

South Yorkshire Residential Design Guide (SYRDG)

The South Yorkshire Residential Design Guidance (SYRDG) has been adopted by Barnsley, Doncaster and Rotherham Councils. This guidance relates to issues of unit size, minimum room dimensions and amenity space. Whilst the SYRDG has a threshold of 10 dwellings, it also indicates that the Guide is underpinned by the principles in Building for Life (BfL). Many of the design guidelines are appropriate to smaller developments and the guidelines and assessment criteria in this Guide will be used as the main point of reference when assessing schemes of less than ten dwellings.

Publicity

Neighbouring properties were informed by letter on 20 August 2014 and a site notice was erected on 21 August 2014. In addition the application was advertised in the local press (Rotherham Advertiser, 29 August 2014). Two representations have been received and can be summarised as follows:

- No notification from applicant that an application to re-develop the site has been submitted.
- Concerns about the position of the bin store.
- Increase in the traffic generation.
- Is the parking proposed sufficient.
- St Mary’s Church has a covenant on it, restricting future development
- There are too many flats in the area/region with more family houses required.

One objector has requested the Right to Speak at the meeting.

Consultations

Streetpride (Transportation and Highways) – no objections

Streetpride (Drainage) – final soakaway tests to be carried out

Neighbourhoods (Environmental Health – Land Contamination) – no objections

Neighbourhoods (Urban Design) – amendments initially recommended

Yorkshire Water Services Ltd – no objections

The Coal Authority – awaiting final comments

Streetpride (Tree Officer) – 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 this application are:

- Principle
- Design and Visual Amenity
- Residential Amenity
- Highways Issues
- Other Considerations

Principle

The site is allocated for residential purposes and is brownfield representing previously developed land with existing buildings and structures located on the site. These include the former petrol forecourt canopy, along with a large hard-surfaced parking area on the site that is currently used for parking and storage of vehicles. The site is currently operational and it is acknowledged that the site currently provides local employment. However, the business use of the site dates back many years and it is considered that the character of the surrounding area is now predominantly residential. Saved UDP Policy HG4.3 'Windfall Sites' indicates that the Council will determine proposals in light of their location within the built up area and compatibility with adjoining uses.

Policy CS1 'Delivering Rotherham's Spatial Strategy' indicates that 'Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community'. The location of the site, which is on a quality bus corridor, within 150 metres of Rawmarsh Shopping Centre and within walking distance of Parkgate Town Centre is considered to be sustainable in Transportation terms. This element is considered to meet the general aims of Policy CS1 'Delivering Rotherham's Spatial Strategy' as well the general criteria in CS3 'Location of New Development', CS6 Meeting the Housing Requirement and CS33 Presumption in Favour of Sustainable Development, by being located on (a) previously-developed (brownfield) land. (b) being in close proximity to services, facilities and employment opportunities and (c) having good access to public transport routes and frequency bus services.

One of the objectors raises the large number of flats in the area and the lack of family houses. In this instance, the Core Strategy nor the SYRDG has any detailed assessment criteria on what would be an acceptable proportion of flats and houses. Bearing in mind that this is a relatively small number of dwellings proposed on a windfall site, it is not considered that the Council could refuse on the potential oversupply of flats in the area.

In this case, the site is allocated as residential and the predominant character of the surrounding area is residential and the principle of residential development is therefore considered acceptable in planning policy terms.

Design and Visual Amenity

Policy CS28 Sustainable Design indicates that “development should protect or contribute to securing a healthy and safe environment, including minimising opportunities for crime”. The design is considered to represent a modern block of residential flats in an area that has a number of different architectural styles and materials. The proposed block of flats is of a modest two storey scale with a low height to the eaves level and is considered to fit acceptably within the street scene. The building itself has two glazed stairwells that are considered to create some interest to the frontage of the property and break the amount of brick frontage and large number of window openings to the proposal. The majority of the internal spacing standards are between 62-66sqm which meets minimum recommended standards in the SYRDG.

Policy HG5 'The Residential Environment' and T8 'Access' indicate that the Council will encourage best practice in layout and design in order to enhance the quality of residential environment. It is considered that the vehicular entrance, having an in/out access on the southern elevation is the most appropriate layout allowing for left and right turns into the site. At the northern section of the site, High Street becomes a dual carriageway for over 100m which restricts movement into and out of the site. The proposed access is considered the most appropriate.

ENV3.2 'Minimising the Impact of Development' indicates that the Council will seek to minimise adverse impact on the environment, and to conserve and improve its quality. It is considered that the setting back of the building from High Street is the most appropriate form of development, which would allow for a more segregated private amenity space to the rear. The increased landscaping buffer proposed is considered to reduce the potentially dominant parking area and provide some relief to the amount of overall built footprint. The proposal has a rear amenity area of approximately 400 square metres that is secured by side gates. Ground floor properties have direct access to the rear garden area, increasing the access to the amenity area. The amenity area is significantly above the minimum recommended spacing standards of 190sqm highlighted in the SYRDG along with the advice in Core Strategy CS28 Sustainable Design, along with the general advice in ENV3.2 'Minimising the Impact of Development'.

In terms of the impact on the nearby listed church, Rawmarsh St Marys Church is a grade 2 listed building sited approximately 50m from the southern boundary of the site. Core Strategy policy CS23 'Valuing the Historic Environment' and Saved UDP Policy ENV2.8 'Setting and Curtilages of Listed Buildings' indicate that the Council will resist development proposals that affect the setting of a listed building or are harmful to its structures and Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough's heritage assets. In this case, the proposed residential block is set well back from the highway and significantly further back than the existing canopy to the former petrol station. The proposed siting of the apartments is not considered to impede views of the Church from the north or be harmful to the setting of the listed building. The removal of the existing canopy is considered to improve the setting of the church as the canopy is considered to impede the view of the church from the north. The proposal is considered to conform to the advice within Core Strategy policy CS23 'Valuing the Historic Environment' and saved UDP Policy ENV2.8 'Settings and Curtilages of Listed Buildings' and is considered to enhance the setting of the listed building.

Impact on Residential Amenity

There are no residential properties directly to the east, south or western elevations of the site and the proposal has little impact on these elevations. The property to the north (Sunnyside Cottage) is a two storey house that has its main elevations on an east-west orientation and its side gable is located approximately 9m from the boundary with the garage.

In terms of any potential overbearing impact on the neighbouring property at Sunnyside, it is considered that the spacing distance of approximately 20m from the nearest point of the development to the nearest point of Sunnyside is significantly above the minimal recommended distance of 12m highlighted in the SYRDG. The setting back of the proposal from the highway and limited overall height is also considered to further reduce the potential impact to neighbours.

In terms of overlooking, the proposed principal first floor window distances are located in excess of the recommended 21m spacing distance in addition to being located at a 45 degree orientation with a number of mature trees along the boundary. There are no windows on the side elevations and the proposal is not considered materially increase the potential for overlooking to the neighbouring property.

Objectors have raised the location of the bin store (being adjacent the highway and to the neighbouring property at Sunnyside) as being unsatisfactory. Following the submission of an amended block plan, the bin store has been re-located to the front of the property. This is considered to be more acceptable from a residential amenity perspective, along with being more accessible to future occupants of the property as well as being more convenient for bin collections. The bin store is also now better overlooked from the apartments and, it is hoped, less likely to suffer vandalism in line with CS28 Sustainable Design.

Highways Issues

The Transportation Unit initially requested amendments and clarifications to the originally submitted scheme. The revised plans indicate a reduction in the amount of parking to 19 spaces with a slight increase in the landscaped area. Highways have confirmed that the revisions are acceptable, subject to the imposition of standard conditions.

Other Considerations

In terms of ground contamination, Environmental Health have indicated that five underground petrol/diesel tanks are reported to be on site along with potential for further unidentified tanks. Two above ground liquid petroleum tanks are still evident on site. Currently the site is operated by a company providing van rental services and is used primarily for vehicle storage. The former filling station canopy, pump island and station shop are still in existence at the site. It is considered that contamination from off-site sources is unlikely and a moderate risk to users from on-site sources. No objections subject to condition.

In terms of flood risk, the site is not within a recognised flood zone and there are no known flood issues. The Councils Drainage Officer has raised no objections to the proposal, subject to final surface water details to be agreed. Yorkshire Water have also raised no objections to the proposal subject to conditions.

There are no trees within the boundary of the site, though there are three trees that lie close to the northern boundary of the site. The trees lie within the boundary of the

adjacent property at Sunnyside and have a high canopy. Whilst no supporting information on this aspect has been submitted, it is understood that the proposed building would lie outside of the tree canopy. The Tree Officer has indicated that there is a significant difference in the ground levels between the two sites so any direct disturbance /cutting of tree roots is unlikely. Branches from the trees extend approx. 5 to 6m to the south and the new building appears to be 4 to 5m from the boundary at Sunnyside. However, it is also noted the lower branches have been pruned in the past so the distance above ground level over the application site to the lowest branches appears to be about 8m. It is not considered that the development will have a significant adverse impact on the trees. In any case the trees are unlikely to meet the criteria for inclusion within a new Tree Preservation Order.

Issues raised regarding covenants on St Mary's Church is not a planning issue that can be afforded any significant weight.

Conclusion

The principle of the redevelopment of the site for residential purposes is considered to be acceptable. The apartments meet the minimum internal spacing standards in the SYRDG and the overall scale and design is considered appropriate for this area and on the amenities of the surrounding properties.

The re-located bin store to the front of the property is considered to be more acceptable from a residential amenity perspective, along with being more convenient for future residents. The Transportation Unit have confirmed that the revisions are acceptable from a highway safety perspective and that the site has adequate parking.

The application is recommended for conditional approval.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers original elevations, revised block plan and site plan)(received 08.18.14 and 02.10.14)

Reason

To define the permission and for the avoidance of doubt.

03

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples

have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

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

Reason

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

06

Prior to the commencement of development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. (This should include measures to promote public transport use and secure cycle parking facilities). The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

07

The proposed vehicle access shall be reconstructed at a maximum gradient of 1 in 15 (as proposed by the applicants agent).

Reason

In the interests of highway safety.

08

The development shall not be occupied until the northernmost vehicular access to High Street has been permanently closed and the kerblines/footway reinstated.

Reason

In the interests of highway safety.

09

Drainage

Prior to the commencement of development the applicant the applicant should submit for approval the latest drainage layout for both the foul and surface water drainage. All proposed soakaways will be subject to an appropriate soakaway test to prove the grounds suitability. The development shall be carried out in accordance with the agreed details.

Reason

In order to ensure the site is satisfactorily drained.

10

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is first occupied.

Reason

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

11

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

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

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of

Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

12

All tree works shall be carried out in accordance with B.S.3998: 2010. The schedule of all tree works shall be approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

13

Prior to the commencement of development the applicant should undertake ground gas monitoring to determine the ground gassing regime at low and falling atmospheric pressure conditions. Subject to the findings of this monitoring, a Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Remediation works shall be carried out in accordance with the agreed details.

Reason

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

14

Prior to the commencement of development, if any subsoil's/topsoil's imported to site for remedial works, these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. Following completion of any required remedial/ground preparation works (including tank removal works) a Verification Report should be forwarded to the Local Authority. The development shall be carried out in accordance with the agreed details.

Reason

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

Informatives

a)Yorkshire Water

The development of the site should take place with separate systems for foul and surface water drainage.

Foul water domestic waste may discharge to the 375mm diameter public combined sewer recorded in High Street, at a point approximately 6 (six) metres from the site. If sewage pumping is required, the peak pumped foul water discharge must not exceed 10 (ten) litres per second.

It is noted that the planning application states 'Soak away' for surface water disposal. Surface water must only drain to public sewers as a last resort. The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse (if any) for the disposal of surface water. If this option is not available then Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to the NPPF. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals

b) RMBC Environmental Health

Full details of the requirements to discharge the contamination condition are as follows:

1. Prior to development works commencing ground gas monitoring will be undertaken to determine the ground gassing regime at low and falling atmospheric pressure conditions. This will enable a current gas risk assessment to be undertaken, to determine if gas protection measures are required for the proposed development. If gas protection measures are required for the site, these will need to be agreed in writing by the Local Authority prior to development commencing.
2. Subject to the findings of item 1 above, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation 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.
3. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.
4. Prior to development if subsoil's / topsoil's are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.
5. Following completion of any required remedial/ground preparation works (including tank removal works) a Verification Report should be forwarded to the Local Authority for review and comment. The verification 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 verification report together with the necessary documentation detailing what waste materials

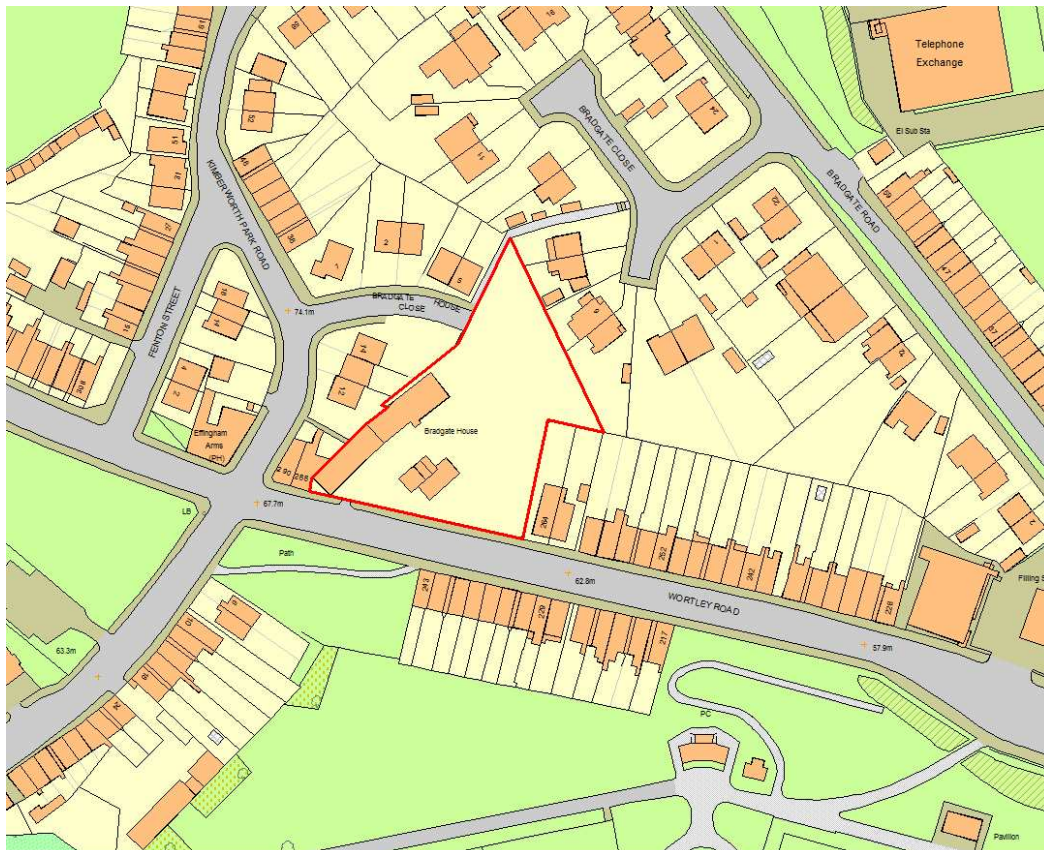
have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

c) The boundary treatment and fencing along the northern side of the property within the ownership of Sunnyside should remain in place during construction and after the completion of development.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/0923
Proposal and Location	Outline Application for residential development comprising 7no. two-bed and 4 no. three / four bed properties with details of access and layout at Bradgate House, Wortley Road, Kimberworth, S61 1LH for Mrs H Wright
Recommendation	Grant subject to conditions



Site Description & Location

The site is approximately 0.3ha in area and is comprised of several buildings along its western boundary. The site sits between residential properties on Wortley Road, with other residential properties surrounding the site.

The site slopes down generally from west to east. The closest buildings to the proposed dwellings are a variety of houses, which are mainly terraced and semi-detached dwellings. Some of the adjacent properties are typical of dwellings built around the start of the 20th Century, being two-storeys high, and pitched roofs. Others, particularly to the rear are much more recently built but are similar in that they are mostly two-storey in height and brick-built, with pitched roofs.

Along the current boundary facing Wortley Road there is a 1.8 metre high stone wall.

The properties to the north are at a slightly elevated position in relation to the site.

Background

There have been no previous planning applications submitted relating to this site.

Proposal

The proposal is seeking outline permission for residential development on this site comprising 7 no. two-bed and 4 no. three bed properties with only details of access and layout being considered.

The proposal will accommodate 11 dwellings on this site, together with a new vehicular access onto Wortley Road and parking accommodation within the curtilage of and adjacent to each dwellinghouse.

The layout of the site proposes 7 dwellings towards the front of the site fronting Wortley Road, these dwellings would be set back from the footpath in two blocks of 3 attached properties and 4 attached properties. The access road to the properties at the rear will be sited between the two blocks off Wortley Road. Each of the seven dwellings will have parking spaces to the rear. Each will be provided with a private rear amenity space of between 50 and 85 sq. metres.

To the rear of the 7 properties facing Wortley Road a further 4 dwellings are proposed. These will be in a row of 4 attached dwellings, with parking spaces to the front of each plot and extensive rear gardens of between 90 and 160 sq. metres. Three properties will be on the same building line, while plot 11 which is to be a bungalow will be sited slightly forward.

The applicant has provided an indicative floor layout plan of the bungalow to show it will have no clearly glazed windows in its rear elevation.

The existing boundary walls and fences are to be retained and replaced where necessary, apart from the front stone wall which is in poor state of repair and will be re-built. Details are to be submitted at the detailed planning stage.

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

Design and Access Statement

The statement provides an introduction to the scheme and details the design of the proposed dwellings, and access considerations.

Land Contamination – Phase I Desk Study

The study confirms that other than for agricultural and similar uses associated with the farm, the site has only been used as an extensive garden associated with the existing residential property. There is no evidence from a walk over of the site and because of its history the likelihood of any contamination on this site is considered to be extremely slight.

Ecology and Bat Report

The ecology survey identified the requirement for a dusk emergence bat survey of the buildings on site.

All of the buildings on the site were assessed as displaying a low or unsuitable potential for roosting bats and no bats were identified emerging from the buildings during the dusk emergence bat survey. Therefore the level of survey work that has been carried out is assessed as sufficient to accurately assess the bat activity on the site and no further bat surveys are recommended.

As a biodiversity enhancement for the site it is recommended that bat roosting opportunities in the form of voids in the soffits or built in bat bricks are installed into any houses constructed on the site.

Ideally it is recommended that all vegetation clearance takes place outside of the bird nesting season, which extends from March to September, inclusive.

Any vegetation clearance work carried out within the nesting season must be immediately preceded by a thorough nesting bird survey carried out by a suitably experienced person. Any nests identified must remain undisturbed until the young have fledged from the nest.

Tree Report

A table has been provided giving details of the three trees on site (1 x Ash and 2 x Sycamore). The table gives comments on each tree and its future prospects. It concludes that 2 are at risk from the demolition of the existing buildings on site, and the third's future prospects are limited due to more advanced age and position in relation to the boundary retaining wall.

Coal Authority Report

The Coal Authority Report provides details of the past and present situation of the site in terms of Underground coal mining; mine entries; coal mining geology; open cast mining; coal mining subsidence; mine gas and hazards relating to coal mining.

The report details that the site should not be affected by any past or future coal mining.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS21 'Landscape'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.2 'Minimising the Impact of Development'
ENV3.4 'Trees, Woodlands and Hedgerows'
T8 'Access'

Other Material Considerations

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

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

The Core Strategy / Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

The application has also been assessed against adopted Supplementary Planning Guidance (SPG) 'Housing Guidance 3: Residential infill plots' and the South Yorkshire Residential Design Guide.

Publicity

The application has been advertised by way of a press and site notice, while neighbouring occupants have been notified in writing. 3 Letters of objection have been received the issues raised are summarised below:

- The occupants of no. 7 Bradgate Close are concerned about privacy and views from their back windows.
- The noise, dirt and work during construction will impact on our amenity.
- The replacement of the boundary fence between no. 7 Bradgate Close and the application site should be treated as a priority and not at a later date.
- The boundary wall that supports the garden at no. 14 Kimberworth Park Road “is in a very poor state of repairs”, if replaced who would be liable for repairs etc.
- The privacy enjoyed at no. 14 Kimberworth Park Road will be gone, as both new properties and those existing on Wortley Road will overlook my bedroom windows. Sitting outside will be like a goldfish bowl.
- There are already a number of properties in the area that have been up for a while, so I feel the chances of selling will diminish and prices will go down.
- People who this concerns should be offered compensation for their loss of privacy and the construction works that will affect their lifestyle.
- Concerns about impact demolishing Bradgate House Farm building will have on their property as it forms the rear boundary wall of no. 12 Kimberworth Park Road.
- During construction phase what impacts will this have on safety and access to the rear of our property, will access be required to our property to carry out works, how long will it take and who will put right any damage caused.
- The development will have an effect on the values of our property.

Consultations

Streetpride (Transportation and Highways): Have no objections subject to conditions.

Streetpride (Trees and Woodlands): Have no objections in principle.

Architectural Liaison Officer: Has indicated that this development would benefit being designed to Secured by Design standards.

Streetpride (Landscape): Have no objections subject to conditions.

Yorkshire Water: Have no objections.

Streetpride (Ecologist): Has no objection subject to conditions.

Neighbourhoods (Land contamination): Have no objections subject to conditions.

South Yorkshire Passenger Transport Executive: Have no objections in principle to the application. However, the proposed access road to the site from Wortley Road will require the removal and relocation of the existing bus stop at the developer’s expense. The new location of the bus stop will need to be agreed by SYPTE and RMBC

Appraisal

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

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

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

The main issues in the determination of this application are:

- i) The principle of developing this land for residential purposes;
- ii) The layout, scale and appearance of the development;
- iii) The impact of the development on the amenity of existing and future occupants;
- iv) Highway issues; and
- v) Loss of Trees and Ecological issues.

Principle

The application site is located within an area allocated for residential purposes within the Council's adopted UDP and is defined as a 'brownfield' site given the presence of the existing buildings and hardstanding. In addition, the site is allocated within Rotherham's urban area as detailed in the Core Strategy, while policy CS1 states: "Most new development will take place within Rotherham's urban area..."

Furthermore, it is noted that at the heart of the NPPF, which is supported by policy CS33 of the Core Strategy, there is a presumption in favour of sustainable development, and planning applications that accord with the development plan should be approved without any delay.

Policy CS33 further states that for existing communities to grow in a sustainable way new development should, wherever possible, be located where accessibility between new housing, existing centres, facilities and services can be maximised.

In regard to the above it is considered that given the sites location within a built up area of Kimberworth, which is within Rotherham's urban area and in close proximity to existing housing, facilities, services and local public transport, the development would be in a sustainable location that would accord with the presumption in favour of sustainable development.

Furthermore, policy CS6 of the Core Strategy states housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area. It is considered that given the location of the site and its size, the proposal will make an efficient use of this site, while subject to the design of the dwellings it will help enhance and protect the character of the local area.

In light of the above it is concluded that the principle of developing this site for residential purposes is one that is acceptable and one that fully complies with the relevant paragraphs of the NPPF and policies of the adopted Rotherham Core Strategy.

Layout, scale and appearance of the development

Policy HG5 of the adopted UDP encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed by the NPPF.

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

In addition, CS policy 21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. In addition CS policy 28 ‘Sustainable Design’ indicates 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. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The site is approximately 0.3ha in size and narrows from the centre of the site to the northern point. The site frontage is approximately 54 metres and at its extremity the site is approximately 70 metres deep.

The scheme hereby proposed seeks permission for the layout of the proposed development; details of the appearance, scale, height of the dwellings and the landscape of the site are to be assessed at reserved matters.

In respect of the layout of the development, the proposed site plan submitted with this application effectively shows two rows of properties, one fronting Wortley Road between existing properties and one to the rear of these properties towards the centre of the site.

The proposed dwellings along the site frontage will follow the general topography of the main road, and follow the general building line of those properties either side. The properties would be split into two blocks of three and four properties with the access road between. The applicant has indicated that the height of these dwellings will be the same as those adjacent; however details of this have not been submitted for consideration under this outline permission.

The front elevations of the rear block would be sited approximately 25 metres from the rear elevations of the proposed dwellings opposite. The dwellings to the front would have their parking at the rear whilst the properties to the rear would have their parking at the front.

It is considered that the scheme has been sympathetically designed to ensure the site does not appear overdeveloped as each dwelling is of a good size and set within a good sized plot. Furthermore, consideration has been given to the existing properties on Wortley Road and those surrounding to minimise the developments impact.

It is considered that at this stage the layout of the development is one that is in accordance with the requirements of the relevant paragraphs of the NPPF and policies of the Core Strategy and UDP.

Impact of the development on the amenity of existing and future occupants

A further consideration of the layout of the development is the impact the proposal would have on the amenity of existing neighbouring residents and future residents of the proposed properties.

The South Yorkshire Residential Design Guide sets out the Council's adopted inter-house spacing standards and it states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

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

In this instance given to the proposed layout of the site and relationship with surrounding properties, none of the existing properties on Kimberworth Park Road, Bradgate Close and Bradgate House Close would directly face any of the proposed properties. The closest relationship is between no. 5 Bradgate Close whose rear elevation would be 16 metres from the rear elevation of Plot 11, but given this property is to be a bungalow there will be no adverse impact on the outlook from this or any surrounding property. It is also noted that none of the rear elevations of the proposed properties would directly overlook private amenity spaces or habitable room windows of neighbouring properties, with the exception of Plot 11. This plot would be less than 10 metres from the rear boundary with no. 5 Bradgate Close, but given this is to be a bungalow with no habitable room windows in the rear elevation there would be no overlooking or privacy issues.

In addition, it is considered that the proposed scheme would not give rise to any overshadowing issues given the siting of the properties, distance to neighbouring properties, orientation of the site and land levels.

It is therefore considered that the proposed dwellings by virtue of their form and siting, together with the relationship with neighbouring properties, existing boundary treatment and land levels would not give rise to any overlooking, privacy or overshadowing issues that would affect the amenity of occupants of existing surrounding properties.

In respect of future residents and the potential impact of existing surrounding properties on their amenity, it is noted that Nos. 12, 13 and 14 Kimberworth Park Road are sited approximately 6 metres from the western boundary of the site, however none of these properties will overlook any private space.

Furthermore, Plot 11 would have its boundary to its private rear amenity space just 6.7 metres from the rear elevation of no. 5 Bradgate Close. However, it is noted that plot 11 would be benefit from more than 50sq. metres of private amenity (minimum required for a 2 bed property within the South Yorkshire Residential Design Guide) more than 10

metres away from the rear elevation of no. 5 Bradgate Close. As such it is considered that the property at plot 11 would be provided with an appropriate amount of private amenity space that would be far enough away from the rear habitable room windows of neighbouring properties to ensure the future occupants would not have their most useable private amenity space overlooked.

In respect of the distance between the proposed front and rear blocks, it is noted that the front elevations of the properties to the rear of the site would be between 10 and 12 metres from the rear boundaries of the properties to the front of the site; and there would be 25 metres between the front elevations of properties at the rear and the rear elevations of properties to the front.

It is therefore considered that the future occupants of these properties would not be overlooked or overshadowed by existing surrounding properties and as such the scheme fully complies with the requirements of the NPPF and the Council's adopted SPG 'Housing Guidance 3'.

In respect of private amenity spaces for all the new properties, they would all satisfy the minimum spacing standards detailed within the South Yorkshire Residential Design Guide.

Highway issues

In respect of highway issues, access is to be considered under this application, the proposal will result in the creation of a vehicular access from Wortley Road in order for future residents to gain access to the internal parking and manoeuvring area.

The access is to be created between the proposed blocks of properties facing Wortley Road. The width of the access and its proposed gradient are considered acceptable and will provide an acceptable visibility splay in both directions for users when exiting the site.

The Council's Transportation and Highways section have indicated that the parking spaces proposed do meet the Council's Minimum Parking Standards if the proposed dwellings are designed appropriately in terms of bedroom numbers. Therefore the seven properties that have one parking space within their curtilage will have to be two-bed and the four with two spaces can be three or four bed.

With regard to the above and subject to conditions the Council's Transportation and Highways section have no objections to the scheme from a highways perspective and as such the highway works proposed would comply with saved UDP Policy T8 'Access'.

Further to the above, it is noted that the proposed access road to the site from Wortley Road will require the removal and relocation of the existing bus stop. SYPTE have no objections in principle to the scheme as it would ensure that all residents will have access to the Core Public Transport Network, but the bus stop will have to be relocated in a location to be agreed with SYPTE and RMBC.

SYPTE have indicated that this particular bus stop is very important and well used as it provides access to a frequent bus service for many local residents, as the nearest bus stops on the route are more than 400m away, the stop will need to be retained in the area.

The applicant has been made aware of this and the fact that cost of relocating will be at their expense, and no objections have been raised. As such a condition is recommended to this effect.

Loss of Trees and Ecology

The application will result in the loss of three trees from the site, together with some amenity hedges.

The details of the survey submitted by the applicant in support of the application and the loss of the trees are generally supported apart from the comments regarding one of the trees detailed as T4. However, despite this T4 is unlikely to meet all the criteria for inclusion within a new Tree Preservation Order to ensure it is retained as part of the development.

It is therefore considered that the loss of the trees from the site would not have a detrimental impact on the amenity of the area and their removal is supported. As such their loss would not be in conflict with policy CS21 'Landscape' of the Core Strategy and saved UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

With regard to ecological issues the information detailed in the submitted Ecology and Bat Survey, which states there is no evidence of bat species entering or emerging from the existing structures, is accepted and the recommendations detailed in section 5 of the report are supported. A condition is proposed to ensure the recommendations detailed in the report are implemented within the development.

Other considerations

The issues raised by the objectors in terms of overlooking, general privacy have been considered and assessed in previous sections of this report. The other issues raised by the objectors are considered below.

In respect of noise, dirt etc. during the demolition and construction phases of the development, any issues will be dealt with by the Council's Environmental Health department under the Environmental Health act. A standard informative is recommended notifying the developer of their requirements in terms of these issues.

With regard to the replacement of the boundary fence between the site and no. 7 Bradgate Close, this is shown on the submitted plans and it is not reasonable for the Council to impose on the developer that this work is undertaken before any other work on site. In terms of the boundary wall with no. 14 Kimberworth Park Road, this boundary if replaced would be the responsibility of the land owner.

During the construction or demolition phases if any access is required to the site from neighbouring properties, it is the owners of those properties who are able to either give or deny any workmen access under civil law and any damage caused to neighbouring properties will be the responsibility of the developer. In terms of the length the development will take, the planning system cannot control how long it takes for a development to be completed by.

The developments potential impact on the value of properties is not a material planning consideration and as such cannot be taken into account in the determination of this application; similarly the fact that there are a number of properties in the area that have not been sold is also not a material matter.

Conclusion

Having regard to the above and the issues raised by the objectors it is concluded that the principle of developing this site for residential purposes is acceptable, and the proposed access and layout will ensure the proposal represents an appropriate form of development that would not adversely impact on the amenity of existing and future residents or the highway network. Therefore the scheme is considered to meet the requirements of the relevant sections of the NPPF, Core Strategy, UDP, SPG and South Yorkshire Residential Design Guide and the application is recommended for approval subject to conditions.

Conditions

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

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers SEA/670/002 Rev B and SEA/670/005, received 17 September 2014)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

Reason

No details having been submitted they are reserved for approval.

05

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

Reason

In order to promote sustainable transport choices.

06

Car parking provision shall be made available within the curtilage of each plot based on the Council's Car Parking Standards

Reason

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

07

Prior to the commencement of the construction of the dwellings hereby approved, details of the location of a replacement bus stop in close proximity to the site on Wortley Road shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the first dwelling

Reason

In order to promote sustainable transport choices.

08

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

09

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

10

Prior to the commencement of development details of measures to incorporate and secure bat roosting features, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use. The information shall include the following:

- Provision of at least 11 bat roost features
- Details of lighting to be installed demonstrating that no bat roost feature will be adversely affected by lighting

Reason

To ensure minor ecological impact are mitigated for, in accordance with the NPPF and policy CS20 'Biodiversity and Geodiversity' of the adopted Rotherham Core Strategy.

11

All demolition and vegetation clearance shall be undertaken outside the main bird nesting season (March – August). Any vegetation clearance work carried out within the nesting season must be immediately preceded by a thorough nesting bird survey carried out by a suitably experienced person. Any nests identified must remain undisturbed until the young have fledged from the nest.

Reason

To ensure the protection of birds in accordance with the Wildlife and Countryside Act 1981.

12

Prior to development a Phase I Site Assessment Report consisting of a desk top study, a site walkover, and a conceptual site model must be undertaken to obtain an understanding of the sites history, its setting and its potential to be affected by contamination. This report must be submitted to this Local Authority for review and consideration. If further intrusive investigations are recommended then these works must be undertaken in accordance with the conclusions and recommendations detailed in the Desk Study Report.

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 SR 2 – 4.

Reason

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

13

Following any demolition/removal works of the former residential dwelling and outbuildings, testing of the near surface soils for the presence of asbestos will need to be undertaken within the proposed areas of the development footprint. The results of testing shall be provided to this local authority for review and comment prior to development works commencing.

Reason

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

14

Prior to development works commencing if subsoil's / topsoil's are required to be imported to site for garden or soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of such testing will need to be forwarded to this local authority for review and comment before occupation of the residential dwellings.

Reason

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

15

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

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.

Informatives

01

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

02

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

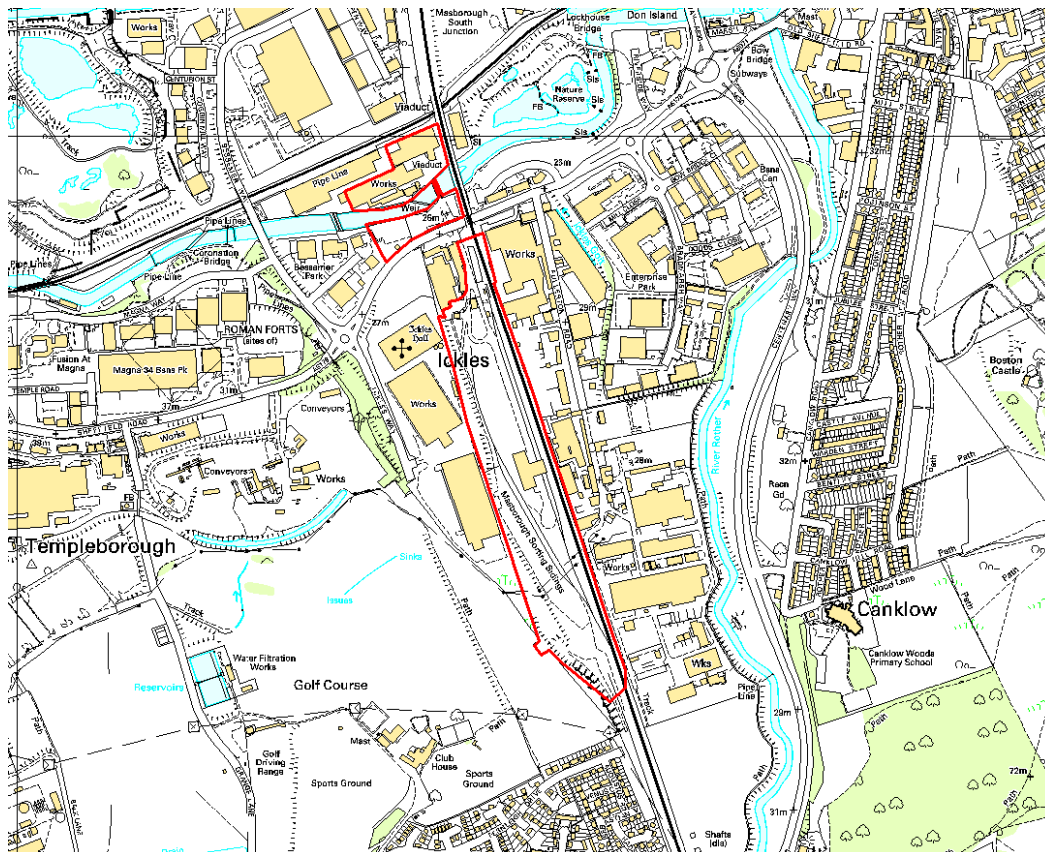
03

The applicant should note that the cost of moving the shelter will need to be met entirely by any developer of the site. The current estimated cost of removing a shelter and installing a new one is currently approximately £11,000

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1045
Proposal and Location	Application to vary condition 02 (minor changes to the footprint and elevations and the installation of a conveyor belt between buildings 1 and 11) imposed by RB2013/1331 – Installation of a biomass energy development incorporating a 350,000tpa wood pellet manufacturing process and an associated biomass combined heat and power (CHP) plant at the former Firth Rixon Ickles Works, Sheffield Road, Templeborough for the Brite Partnership.
Recommendation	<p>A That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the same obligations as was previously secured through Planning Permission RB2013/1331.</p> <p>B Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions outlined below.</p>



Site Description & Location

This application relates to two sites off Sheffield Road in the Templeborough area of the Borough which extends to approximately 11.7 ha. The sites lie to the west of the town centre in an area which is characterised by industrial premises.

The specific sites comprise of part of the Firth Rixson site on the northern side of Sheffield Road and the DB Shenker Rail Head site immediately to the south on the opposite side of Sheffield Road.

The Firth Rixson site is redundant in terms of its use by Firth Rixson Metals Ltd. and previously contained a number of buildings although these have now been demolished and the site cleared. This part of the site is split into two main areas by the River Don which runs through the site in an easterly direction. The southern area of the site fronts Sheffield Road and consists of an area previously used for car parking for the employees of Firth Rixson when the site was fully operational. This area is screened from Sheffield Road by a mixture of landscaping and a boundary wall.

The northern part of the Firth Rixson site is accessed via an existing vehicular bridge over the River Don and previously housed a number of large scale industrial buildings. These buildings have now been demolished and the site is vacant.

Access to the Firth Rixson site is gained off Sheffield Road via a substantial entrance leading to a portakabin which is constantly manned and used as a gatehouse. There is no public access to the site.

Abutting the sites on the eastern and northern boundary are railway lines. The one to the east is elevated and it is this railway line which leads to the Shenker rail head site to

the south. There are railway arches under the line which allow for access to the industrial building beyond. The one to the north is at the same level as the application site and is secured by a palisade fence. To the north west of the site are existing industrial buildings which are still in use by Firth Rixson and will continue to be used for this purpose.

The River Don which runs through the site has been subject of flood alleviation measures following the flooding event in 2007. These consist of concrete flood defences running parallel with the river through the application site.

The Rotherham/Sheffield railway line runs to the east of the sites, immediately adjacent to the Shenker Rail Head site which includes an area of sidings adjacent to the main railway line.

The Shenker site lies higher than Sheffield Road and the view from Sheffield Road is obscured to some extent by vegetation, existing buildings and the level difference as it lies at the same level as the railway line which crosses the road via a bridge. It is currently used as a distribution depot for metallurgical items and as a waste transfer station for scrap metal recycling. Currently scrap metal is brought to the site by HGV and deposited on the site where it is sorted prior to loading on to rail wagons for onward transport to processors. The buildings currently on site, associated with this use are proposed to be demolished but the sidings retained.

To the east of the Shenker site are existing industrial buildings whilst to the west are similar style industrial buildings with the golf course beyond. The nearest residential properties lie some 550 metres to the south of this site in Brinsworth.

Vehicular access to the Shenker site is from Sheffield Road and comprises an existing wide entrance adjacent to existing industrial premises. The access to the site is secured with electronic security coded gates because of the risk to public safety due to the presence of the railway line.

Background

The most recent and relevant applications relating to the application sites are summarised below:

RB2013/1331 - Installation of a biomass energy development incorporating a 350,000 tonnes per annum wood pellet manufacturing process and an associated biomass combined heat and power plant - Granted Conditionally

RB2010/0668 – Construction and operation of a Biomass Energy Development incorporating two associated biomass combined heat and power (CHP) plants, two chimney stacks (30m and 40m in height) with a 200,000 tonne per annum wood pellet manufacturing process and associated infrastructure and landscaping works – Granted Conditionally.

This application consisted of development on the Firth Rixson site only and the wood pellet receipt and pre-treatment was proposed to take place on the former Council depot at Greasbrough Road for which planning permission was granted under the following reference:

RB2012/0164 – Demolition of existing building and erection of a building to form virgin chip processing plant and storage building, erection of two storey building to form associated office block, use of land for on site open storage of virgin logs and waste wood to maximum height of 5 metres and siting of 2no. weigh bridges – Granted Conditionally 10/04/2012

Environmental Impact

The proposed development falls within Schedule 3(a) Industrial Installations for the production of electricity, steam and hot water of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. With regards to Column 2, the site exceeds the 0.5ha threshold.

The proposed development is considered to have the potential to give rise to significant environmental effects. Accordingly, the proposed development is regarded as EIA development and is subject of an environmental impact assessment (EIA) under the EIA Regulations.

Proposal

Members may recall that planning permission was granted in April 2014 for the installation of a biomass energy development incorporating a wood pellet manufacturing process and an associated biomass combined heat and power plant approved under ref: RB2013/1331.

This current application is made under Section 73 of the Town and Country Planning Act and seeks to make amendments to the approved layout and elevation plans in order to make the plant more efficient. The principal changes relate to proposed buildings on the former Firth Rixon site and include the following:

- Reduction in the footprint and height of the Biomass Boiler Building (Structure No. 1)
- Changes to the layout of the Main Electrical Building, Offices and Control Room (Structure No. 3) which results in an increase in the footprint by 8.7m x 6.2m;
- Amalgamation of the Ready-to-Fire Wood Storage Building (Structure No. 11) and the Receiving and Processing Building (Structure No. 12) with a reduction in height by 7m and an increase in length of 8m;
- Relocation of the sub-station to land adjacent to the entrance to the site (Structure No. 34) and relocation of some of the car parking spaces;
- The Demineralised Water Treatment Plant and Tank now relocated to the existing building to the east of the railway viaduct (Structure No. 13);
- Increase in the footprint and height of the cooling towers (Structure No.7) from 10m wide x 29.5m long x 12m high to 15m wide x 37m long x 15m high.
- Installation of new conveyor belt between structures 1 and 11.
- Amendment to northern elevation of Structure 11 to take account of the 45 degree splaying of the doors to facilitate access for the delivery vehicles.
- Due to the higher efficiency of the revised design, an increase in recycled wood fuel will be required, taking if from 220,000tpa to approximately 270,000tpa, depending upon the moisture content and calorific value of the recycled wood.

None of the above changes affect the operation of the solid biomass CHP plant or the way in which the various process operations will be undertaken as approved under ref: RB2013/1331.

The application also provides information to partially satisfy some of the conditions attached to the earlier approval under ref: RB2013/1331, however this information relates solely to the Firth Rixon 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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Industrial and Business purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policies:

CS28 'Sustainable Design'

CS30 'Low Carbon and Renewable Energy Generation'

Unitary Development Plan 'saved' policy:

EC3.1 'Land identified for Industrial and Business Uses'

Other Material Considerations

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

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

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

PPS10 National waste planning policy.

The application is subject to an updated Environmental Impact Assessment (EIA). The following chapters form the formal EIA:

- Air Quality and Climate Factors
- Ecological Issues
- Health Impact Assessment
- Ground Contamination
- Water Quality

- Transportation
- Heritage and Archaeology
- Landscape and Visual Impact
- Noise
- Socio Economic Impacts

Two further documents have also been submitted in support of the application which sits outside of the formal EIA document. These are summarised as follows:

- **Planning Policy Statement**
This statement provides an overview of the relevant national and local policies and demonstrates how the proposed development is in accordance with these policies.
- **Design and Access Statement**
The purpose of this statement is to appraise the site and demonstrate how the wider context has influenced design principles and access arrangements for the proposed development. It assesses the site itself as well as the amount, layout, scale, appearance, access and landscaping of the proposed development.

Publicity

The application has been advertised as an application accompanied by an Environmental Statement in the form of press and site notices, while neighbouring industrial and commercial premises have been notified in writing. No representations have been received.

Consultations

Neighbourhoods (Environmental Health) do not foresee any issues relating to the proposed amendments and as such raise no objections to the proposal.

Streetpride (Transportation and Highways) raise no objections to the proposed alterations to the scale and orientation of the buildings and confirm that the signage scheme details are acceptable.

Streetpride (Ecology) raise no objections to the proposal.

Streetpride (Landscape) have confirmed that the landscape impact arising from the original consented development was not significant due to the degraded condition of the existing site and the proposals will not significantly alter the visual impact of the development.

Streetpride (Drainage) acknowledge that the proposals will result in a 30% reduction in surface water flows to the river, which is acceptable subject to the flows being based on the existing drainage and based on a 1 in 1 year return period.

Sheffield City Council has no comments to make.

Highways Agency offers no objection to the proposal.

Environment Agency do not wish to comment on the application.

Yorkshire Water raise no objection to the proposals.

Network Rail raise no objections to the proposals.

Natural England do not wish to comment on the proposal.

Canal and Rivers Trust have confirmed that the application falls outside of the notified area for its application scale and as such they have returned the application as there is no requirement for the LPA to consult them.

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 this application are:

- Principle of Development
- Design and Visual Amenity
- Other Considerations

Principle of Development

Full planning permission was granted for a biomass energy development incorporating a wood pellet manufacturing process and an associated biomass combined heat and power plant in April 2014 (RB2013/1331). Since this time the Core Strategy has been adopted by the Council and now forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan.

With this in mind, Core Strategy Policy CS30 'Low Carbon and Renewable Generation' is of relevance. This policy states that '*Proposals for the development of renewable and low carbon sources of energy, particularly from community owned projects, will be encouraged provided that there are no unacceptable adverse effects on:*

- a. Residential living conditions, amenity and quality of life*
- b. Character and appearance of the landscape and surrounding area*
- c. Biodiversity, geodiversity and water quality*
- d. Historical, archaeological and cultural heritage assets*
- e. Highway safety and infrastructure*

This current application does not seek to amend the fundamental outputs of the approved development such as the processes to be undertaken on site or the scale of operation and the increase in recycled wood fuel will not have an impact on the previously approved vehicle movements and all other environmental aspects are unchanged. The amendments therefore relate solely to the size and orientation of some

of the consented buildings, including the installation of a new conveyor belt. Having regard to this, the previous application and subsequent approval assessed the impact of the development on the living conditions of local residents, the character and appearance of the landscape, biodiversity and highway safety and was deemed to be acceptable. As no alterations are proposed to the scale of operation and processes to be undertaken, it is considered that the principle of development is considered to be acceptable and fully accords with the provisions of Policy CS30.

Design and Visual Amenity

Policy CS28 of the Core Strategy aims to ensure that: Design should take all opportunities to improve the character and quality of an area and the way it functions.”

This is further emphasised in Paragraph 56 of the NPPF which states that “The Government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

The site last comprised a mix of large scale industrial buildings, which were demolished recently. The site is intersected by the River Don and a steel bridge connects the two sites. Limited screening, in the form of tree planting and vegetation, is located on the site frontage with Sheffield Road, however no other form of planting is currently evident within the site. The Shenker Site is screened to some extent from the main Sheffield Road by way of its elevated position and presence of limited vegetation and adjacent buildings.

In terms of the layout of the development, a number of purpose designed buildings on both the north and south parts of the former Firth Rixon site were approved under ref: RB2013/1331. Subsequent to this approval, the Applicant’s have identified that a number of technical issues have impacted on the operational requirements of the wood pellet plant. Accordingly, the layout of the development requires minor amendments from that previously approved. In summary, the amendments include the following:

Structure	Approved			Proposed		
	Length	Width	Height	Length	Width	Height
1	39m	29m	45m	38m	29m	45m
3	31m	16.5m	16m	37.5m	22.3m	16m
11 & 12 (Battery Room)	51m	35.5m	15m	31.2m 6.3m	13.5m 8.8m	20m 3.5m
Cooling Towers	29.5m	10m	12m	37m	15m	15m

Additional amendments include amendments to the northern elevation of structure 11, the relocation of the sub-station to land adjacent to the entrance to the site and subsequent relocation of some of the car parking spaces, the relocation of the Demineralised Water Treatment Plant and Tank to the east of the railway viaduct (into Structure No. 13) and the installation of a new external conveyor belt between

Structures 1 and 11 which will be used to transfer wood chip fuel from the fuel storage building to the biomass boiler building.

Having regard to the impact of the proposed amendments, the most significant alterations include the increase in the height of buildings 11 and 12, which when amalgamated extend to 20m, an overall increase of 5m and the installation of an external conveyor belt between structures 1 and 11 which consists of 2 no. 800mm x 800mm conveyors terminating 5m above ground level.

Having regard to the scale of these structures, they are driven by operational requirements and whilst it is acknowledged that the buildings on this site will be large scale and tall, they will have the appearance of large, modern industrial buildings, consistent in design with other buildings within the immediate area and the increase in height from that previously approved will not have a unacceptable impact on the character and appearance of the area. Furthermore, the materials to be used in the external appearance comprise profiled steel cladding in neutral colours including Ivory, Grey and Mushroom.

Overall, it is considered that by virtue of its design, siting, scale, height, massing and its relationship to the locality, the proposed amendments are considered to be acceptable in this instance and comply with the provisions of Policy CS28 'Sustainable Design' and Paragraph 56 of the NPPF.

Other Considerations

In support of this application, the applicant has submitted a raft of information to satisfy some of the conditions imposed by RB2013/1331, however this information relates only to the former Firth Rixon site to the north of Sheffield Road. The information includes material samples for the external elevations of the buildings, environmental information relating to dust suppression measures, land contamination and gas monitoring, drainage, landscape and ecology and archaeology.

Relevant internal and external consultees have been consulted on this information and are all satisfied that the information is sufficient to prevent the re-imposition of some of the conditions which refer to the Firth Rixon site. As the information does not include the Shenkar site, re-wording of other conditions to reflect this is required.

Conclusion

The principle of the biomass energy development has been previously established however since its determination the Core Strategy has been adopted by the Council and now forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan. Policy CS30 encourages the development of renewable and low carbon sources of energy. This current application does not seek to amend the fundamental outputs of the approved development such as the processes to be undertaken on site or the scale of operation. The amendments relate solely to the size and orientation of some of the consented buildings, including the installation of a new conveyor belt and as such are considered to be acceptable in principle and in accordance with the provision of Policy CS30.

Having regard to these amendments, it is considered that by virtue of its design, siting, scale, height, massing and its relationship to the locality, the proposed amendments are

considered to be acceptable in this instance and comply with the provisions of Policy CS28 'Sustainable Design' and Paragraph 56 of the NPPF.

Conditions

01

The development shall only take place in accordance with the submitted details and specifications shown on the plans listed below:

- SD/431/01B Master Site/Location Plan
- SD/431/02B Proposed Part Site Plan – North of Sheffield Road
- SD/385/03 Part Site Plan – South of Sheffield Road
- SD/431/04A – 2D Elevations
- SD/431/05A – 3D Impressions
- SD/431/07B – 3D Impressions
- SD/431/14A – 2D Elevations
- SD/418/10 – 2D Elevations
- SD/418/11 – 2D Elevations
- SD/418/12A – 2D Elevations
- SD/418/13A – 2D Elevations
- SD/418/15 – 2D Elevations
- SD/418/8A – 2D Elevations
- SD/418/9 – 2D Elevations
- SD/385/04 2D Elevations
- SD/385/05 3D Impressions
- 633-001 Planting Plan
- 463-002 Existing Tree Planting

Reason

To ensure the development is carried out in accordance with the approved plans.

02

Development on the Firth Rixon site shall be carried out in full accordance with the materials schedule entitled Condition 3 and no development shall take place on the Shenkar site until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been 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 appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Policy CS28 Sustainable Design

03

Development on the Firth Fixon site shall be carried out in full accordance with the details submitted in the Construction Environmental Management Plan.

Reason

In order to ensure the development does not give rise to any environmental issues or problems of mud/material deposit on the adjoining public highway in the interests of road safety.

04

Prior to the commencement of development on the Shenkar site details of the measures to be employed to prevent the egress of mud, water and other detritus onto the highway and details of the measures to be employed to remove any such substance from the highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be used for the duration of the works.

Reason

In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety.

05

Prior to the commencement of development on the Shenkar Site a dust management plan shall be submitted to and approved in writing by the Local Planning Authority, the Dust Management Plan shall cover both the construction and operational phase of the development and shall set out the full details of how dust will be minimized during these phases. The proposed development shall thereafter be carried out in accordance with these approved details.

Reason

In the interests of the local amenity and to comply with UDP Policy ENV 3.7.

06

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'.

Reason

In the interests of the local amenity and to comply with UDP Policy ENV 3.7.

07

The level of noise emitted from the operational Biomass Energy Development, as measured in accordance with BS 4142:1997, shall not exceed 80dB LAeq when measured 1 metre from outside of the solid and liquid biomass plant, timber store and timber processing plant walls at any time, except in the case of emergencies.

Reason

To protect the amenity of the area and to comply with UDP Policy ENV 3.7.

08

Within 3 months of the development of the Biomass Energy development having been completed and brought fully into operation, noise measurements shall be undertaken at the site for a continuous 24 hour period by a competent person, or persons, when suitable weather conditions do not distort readings. The results shall be submitted to the Local Planning Authority forthwith.

Reason

To ensure that the operational development is complying with noise conditions to the planning permission and to protect the amenity of the area in accordance with UDP Policy ENV3.7.

09

No development shall take place on the Shenkar Site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic, artificial illumination, noise, vibration, dust, air pollution and odour and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Local Planning Authority.

Reason

In the interests of the local amenity and to comply with UDP Policy ENV 3.7.

10

Prior to the commencement of development on the Shenkar site, further intrusive investigation of the soils and groundwater shall be carried out in accordance with a scheme to be submitted to and approved by the Local Planning Authority. A report of the findings shall be approved in writing by the Local Planning Authority and any recommendations implemented in accordance with this report. The report shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CR11'. And in the event that contamination is found at any time that was not previously identified, the contamination and method for its remediation must be reported in writing immediately to the Local Planning Authority.

Reason

To ensure that all 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.

11

Prior to commencement of development on the Shenkar site, a report detailing how ground gas monitoring will be carried out shall be submitted to and approved in writing by the Local Planning Authority. The monitoring shall be undertaken in accordance with CIRIA C665 guidance 'Assessing the risks posed by hazardous gases and buildings' and in accordance with the NHBC guidelines. If gas protection measures are required as a result of the monitoring, details shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with the approved details.

Reason

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

12

Should any unexpected land contamination or odorous material, not previously identified, be found at the site during construction works, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out, on that part of the site, until the developer / site operator has submitted, and obtained written approval from the Local Planning Authority.

Reason

To ensure that the development complies with approved details in the interests of protection of controlled waters and to comply with UDP Policy ENV3.7.

13

Upon completion of any remedial works, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall include details of the required remediation works and the quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post remediation sampling to show the site has reached the required clean up criteria shall be included in the closure report.

Reason

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

14

Only clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic material shall be imported on site as infill material. Copies of relevant certificates to this effect shall be submitted to confirm the materials are free from contamination.

Reason

To ensure that the development complies with approved details in the interests of protection of controlled waters and to comply with UDP Policy ENV3.7.

15

The development hereby permitted on the Firth Rixon site shall not be commenced until such time as a detailed scheme for the provision of surface water drainage works has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details shown on drawing ref: B90738-DRG-INF0003, dated 22/08/2014. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16

The development hereby permitted on the Shenkar site shall not be commenced until such time as a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the local planning authority. Page 16 of the FRA by Monson (Issue B, dated 12/05/10) states that for the proposed development,

surface water runoff rates will be reduced by 30% from existing rates. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

17

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

Reason

In the interest of satisfactory and sustainable drainage.

18

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

19

No development shall take place on the Shenkar site until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason

To ensure that the development can be properly drained.

20

Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

21

Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason

To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

22

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Monson (Issue B, dated 12/05/10) and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven; pages 16 and 17 of the FRA state that access and egress will be available via the proposed new access bridge during the 1 in 100 year plus climate change flood and an emergency plan will be issued in conjunction with subscription to the Environment Agency's Flood Warning service. The FRA also states that safe refuge will be available on higher floors of some of the buildings on site during an extreme flood event.
2. Construction of a new access bridge at the downstream end of the site, with a deck height no lower than 28.45 mAOD (as stated on pages 10 and 16 of the FRA).
3. Flood-proofing measures in the buildings in the form of reinforced concrete walls and flood gates, as detailed on pages 10 and 16 of the FRA (with the exception of the reception building for recycled wood and the existing building to the east of the railway viaduct).
4. Finished floor levels are set no lower than 28.9 m above Ordnance Datum (AOD) for the office accommodation (as stated on page 16 of the FRA).

Reason

To ensure safe access and egress from and to the site and to reduce the risk of flooding on the development and future occupants, in accordance with the NPPF.

23

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

- a/ a permeable surface and associated water retention/collection drainage, or;
- b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

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

24

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

Reason

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

25

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local

Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

26

Prior to commencement of development on the Shenkar site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be implemented during the entirety of the construction period.

Reason

In order to ensure the development does not give rise to problems on the public highway, in the interests of road safety.

27

The development shall not be brought into use until the signage scheme as indicated on Plan ref: 4881/03/SK01 Rev A has been implemented in its entirety. The signage shall thereafter be retained for the lifetime of the development.

Reason

In the interest of highway safety.

28

Development on the Firth Fixon site shall be carried out in full accordance with the Landscape details and plans entitled Condition 28 in the supporting information.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policy CS28 Sustainable Design and UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

29

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

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

- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

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 UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

31

The development hereby approved shall not be brought into use until a scheme for providing multi-species fish passage over Ickles Weir (SK 41775 91872 to SK 41815 91865), has been submitted and approved in writing by the Local Planning Authority.

The scheme shall comprise the following:

- A detailed study of the heritage implications of any fish pass option, prepared in consultation with South Yorkshire Archaeology Service; the results of which shall inform the nature of the final design;
- Details of how the weir will be made passable to a range of fish species over a range of flows using a design that has received written approval from the Environment Agency.
- Details of timescales for the completion of the works

The works to provide multi-species fish passage shall proceed in accordance with the design detail and timescales as submitted and agreed.

Reason

The provision of multi-species fish passage in this location would accord with the aims and objectives of national planning policy as set out in the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006. It would provide a net gain to biodiversity and help restore a coherent ecological network with

the River Don. Reconnecting fish passage will make the ecology of the River Don more resilient to current and future pressures, including climate change.

32

Bat and Bird Boxes shall be installed in accordance with the details submitted in support of the application under the heading Condition 31 and within a timescale to be agreed with the Local Planning Authority.

Reason

In accordance with the National Planning Policy Framework paragraph 109 which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Land alongside rivers and its associated habitats are particularly valuable for wildlife and it is essential this is protected.

33

Diffusion tube monitoring for nitrogen dioxide and sulphur dioxide on the Firth Rixon site shall be carried out in full accordance with the details entitled Condition 32 in the supporting information.

Reason

To ensure that the air quality in this area is acceptable.

34

Prior to the commencement of development on the Shenkar site a scheme outlining a programme of diffusion tube monitoring for nitrogen dioxide and sulphur dioxide at locations within Centenary Riverside shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with details of this report.

Reason

To ensure that the air quality in this area is acceptable.

35

The development hereby permitted shall only take place in accordance with the approved Written Scheme of Investigation (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.

36

There shall be no illumination of the external faces of completed buildings, chimneys or external areas of the approved Biomass Energy Development other than in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the operation of the facility. The submitted scheme shall show how light pollution is to be controlled, the position, height, type and power of each light and the need in safety and security terms, and the circumstances in which the light shall be

activated. Thereafter the artificial illumination of the site shall take place only in accordance with the approved lighting scheme, unless with the prior written consent of the Local Planning Authority.

Reason

In the interests of the amenity of the area and to limit light pollution and to comply with UDP policy ENV3.7.

37

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

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Policy CS 28 Sustainable Design.

38

Prior to the commencement of development, details of the proposed fencing including security fencing on the Shenker Railhead site shall be submitted to and approved in writing by the LPA. The approved fencing shall be erected in accordance with the details prior to the first use of the site.

Reason

In the interest of the security of the use of the Shenker Rail Head Site.

39

Prior the commencement of development a method statement relating to the methods of demolition, excavations and construction of buildings on the Shenker Railhead Site shall be submitted to and approved in writing by the Local Planning Authority. This method statement should detail methods of carrying out any works on the site which are within 10 metres of the railway boundary and shall include details of any impacts on the operation of the railway, machinery to be used and details of any scaffolding or other ancillary operations. The development shall be carried out in accordance with the approved details.

Reason

To ensure the safe and secure use of the site and prevent any unexpected impact upon the adjacent rail line.

Informatives:

01

Under the terms of the Water Resources Act 1991, and the Yorkshire Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Don, designated a 'main river'.

02

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage

systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

03

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for Communities and Local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy.

04

The applicant is advised that part of the landscaped area fronting Sheffield Road will be in land that currently forms part of the public highway. A Stopping Up Order under S247 Town and Country Planning Act 1990 will be required. The contact is now nationalcasework@dft.gsi.gov.uk

05

The applicant is advised that a restrictive covenant may be in place on part of the land forming a part of this planning application and contact should be made with Network Rail Property Services Team to discuss this matter.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1083
Proposal and Location	Demolition of existing school buildings and erection of 2/3 storey school building with associated parking, hardstanding and landscape works at Oakwood High School, Moorgate Road, Moorgate, S60 2UH for Kier Construction
Recommendation	Grant subject to conditions



Site Description & Location

The application site lies on Moorgate Road in the Moorgate district of Rotherham, about 2km south east of the town centre and 3km to junction 33 of the M1.

To the north and east the site is surrounded by residential suburbs. The school grounds are irregularly shaped, extending south westwards from Moorgate Road with residential and further college buildings to the north west and Rotherham General Hospital to the south east. The open land of Boston Park and Canklow Woods lies to the south west with ground level tending to rise gently north east to south west across the site then falling beyond the site boundary to the River Rother, about 1km distant. The existing buildings lie in the central part of the grounds with playing fields to the north and south.

The overall site has an area of approximately 11.14 hectares, consisting of grassed areas, car parking, school buildings, hard surface play and circulation areas and playing fields. A Public Right of Way runs along Lawton Lane.

The existing buildings are located in the central part of the site with playing fields to the north and south. The school playing fields are located within green belt land, the

boundary of which extends within close proximity of the footprint of the existing school buildings.

The existing school buildings straggle across the site in a series of 1 and 2 storey linear blocks facing Lawton Lane and forming three sided courtyards, open towards the south-east facing Rotherham General Hospital site. The buildings are situated at various levels, linked by small buildings and corridors. The original buildings have been updated and modernised over their lifetime.

The school was opened in 1952 and up until recently a swimming pool also stood on the site fronting Moorgate Road.

Background

There have been a number of planning applications relating to this site. None of which have any implications on the current proposal.

Screening Opinion

The proposed development falls within the description contained at paragraph 10b of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion 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. Further details of the Screening Opinion are attached.

Accordingly the Local Planning Authority has adopted the opinion that the development referred to above for which planning permission is sought is not EIA development as defined in the 2011 Regulations.

Proposal

The application is for the demolition of the existing school buildings and the construction of a new school.

The proposal is being developed as part of the Priority School Building Programme, which is a centrally managed programme set up to address the needs to the schools most in need of urgent repair.

The school will building will be sited towards the front of the site and would take up most of the width of the site frontage, although it would be no further forward than the existing front building line. It would be three-storey high with a flat roof at 11.5 metres high. Attached to the rear in the central area will be a two-storey link building that will house the main entrance and reception, at the other end of the link will be the performance / sports hall building.

The predominant material will be brickwork, a textured light brown colour, and an area of brick specials is proposed for the façade facing Lawton Lane. The link elevation will feature glazing to the main entrance with light grey brick and the performance halls block is to be clad in black trapezoidal cladding, with some contrasting panels.

The existing car parking areas will remain unaltered.

The footprint of the existing school where the new school will not occupy is to be hard and soft landscaped.

The following documents have been submitted in support of this application

Design and Access Statement

The document details information about the project, the site and planning policy requirements. It concludes that the location of the proposed development has responded to site characteristics and the needs of the school in order to provide a modern educational establishment.

Tree Survey

The report contains a tree assessment and tree survey plan, an arboricultural impact appraisal and an arboricultural method statement.

The report indicates 12 individual trees and 2 groups of trees are to be removed. 1 of the trees to be removed is located to the front of the school, 1 is just to the front but behind the main tree planting and 2 are located close to the junction of Moorgate Road and Lawton Lane, the rest are spread over the site. None of the trees to be removed are protected.

The retained trees will buffer the initial visual impact and this is expected to have little impact on the present character of the area. There is sufficient space for tree planting and a new landscape scheme using significant is feasible.

Tree Assessment, Impact Appraisal and Method Statement

The statement was submitted in addition to Section 3 "Method Statement" and indicates specific measures that will be undertaken by Kier to reduce the impact of construction activities adjacent the tree lines, which includes installing tree root protection systems, pruning to provide a clear 5.5m height to prevent damage to lower branches from construction vehicles. .

Ecological Assessment

The preliminary ecological assessment concludes that the site is of low conservation interest. The report identified potential for nesting birds, bats, badgers, reptiles, toads and hedgehogs at present.

The report contains two recommendations – avoidance of vegetation disturbance during the nesting bird season and the completion of a bat survey.

Bat Survey

The report assesses the potential for bats in the existing school building and around the site. It confirmed that one bat roost has been confirmed at the site. None of the trees affected by the proposals have any greater than 'negligible' bat roost potential. Five

poplar trees with low bat roost potential located on the site's western boundary are far enough away from the school to not be affected by the development.

It recommends that the proposed development, including demolition of all buildings on the site, can proceed without likely significant effects on bats providing several mitigation measures are adopted.

Geo-Environmental Desk Study

The report establishes the geological and hydrogeological conditions of the site. The report states there are potential sources of contamination which may present a risk to human health, the environment and future structures on the site. The qualitative risk is Moderate. In addition, no site specific information is available to quantify the geotechnical constraints on site. The report provides recommendations to mitigate those constraints identified and recommends an intrusive ground investigation.

Construction Traffic Management Plan

The report states the construction of the new Oakwood High School would result in the temporary generation of construction vehicles and staff over a 112 week period. The number of HGV movements over the construction period is expected to peak at 25 per day. Temporary signage and contractual route agreements will also be put in place to enforce the use of the signed construction route. Further mitigation measures include:

- HGVs turning within the construction compound to ensure all HGV entering and leaving the highway in a forward gear;
- A speed limit of 5mph will be in place along the access road and on site;
- Routing for HGVs using the A631 West Bawtry Road and A618 Moorgate Road;
- Providing signage on site to warn construction vehicles of the possible presence of pedestrians; and
- Parking for construction vehicles off the public highway to prevent congestion and minimise impact to public.

On the basis of the trip generation detailed above and the mitigation measures employed, it is expected that the construction of the New Oakwood High School would result in no detrimental impact on the local highway network.

The Plan states that the build will take around 26 months:

Phase 1A: Internal remodelling – weeks 1-10

Phase 1B: Demolition works – weeks 11-22

Phase 2: Main construction works – weeks 23-91

Phase 3: Completion of external works – weeks 92-112

Transport Statement

The report sets out the anticipated transport impact of the redevelopment of the site. It states car parking will be provided on-site at a level which will provide sufficient parking facilities for both staff and visitors minimising the need to park off-site. Servicing will continue to be provided on site with access via Lawton Lane. The existing facilities for pedestrian and cyclists which surround the school are of sufficient capacity and standard to accommodate the anticipated trip generations from the redeveloped school.

Flood Risk Assessment

The states all forms of flood risk to the proposed development have been considered. These include tidal, fluvial, existing sewers, proposed drainage, overland, infrastructure failure and ground water. Medium flood risk has been identified in relation to overland flooding and infrastructure failure. All other forms of flood risk are considered low. Providing mitigation measures are implemented in the detailed design of the scheme the development is considered appropriate from a flood risk perspective.

Noise Report

The report indicates the existing noise climate at the various monitoring positions typically contained noise from traffic on the surrounding road network, particularly Moorgate Road, with occasional contribution from the surrounding housing estates to the north. Breakout noise from inside the school could be heard at some measurement positions as well as pupils and teachers outside the school building. There were also occasional contributions from overheard aircraft, leaf rustle, activity at the staff car park, people walking past the school and activity at the residential properties on the boundary of the site.

Preliminary calculations indicate that it should be possible to use a combination of partially opening windows, passive ventilation and closed windows with mechanical or attenuated passive ventilation to achieve the required internal noise levels. The acoustic specification of the glazing and ventilation will need to be determined at detailed design stage to demonstrate that the design proposals are compatible with the environmental noise requirements of BB93.

In order to minimise the potential for noise impacts on the surrounding properties careful positioning of external noise sources such as play areas and external plant will also need to be considered so that target noise levels presented in both the BS4142 and WHO assessments are met.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for community facility purposes in the UDP,. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS21 'Landscape'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'

Unitary Development Plan 'saved' policy(s):

T8 'Access'

CR1.5 'Community Facilities'
ENV3.2 'Maintaining the Quality of the Environment'
ENV3.4 'Trees, Woodlands and Hedgerows'
ENV3.7 'Control of Pollution'

Other Material Considerations

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

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

The Core Strategy / Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of a site and press notice, while neighbouring properties have been notified in writing. 1 letter of objection has been received. The issues raised by the objector are summarised below:

- The school entrance will be directly opposite my property and will cause additional noise and make access to and from my driveway more difficult.
- Cars already park on the double yellow lines outside my driveway entrance on Rencliffe Avenue. Since the next side road was made one way, there is heavy traffic on Rencliffe Avenue, which will be made worse by the relocation of the school entrance.
- The view from my front windows will be a 2/3 storey building instead of trees (which are to be taken down). There will be additional noise throughout the day and I already have school children throwing their rubbish into my garden, which will be even worse once the main entrance is directly opposite my home.
- Rencliffe Avenue is not a big enough road to accommodate this new building and it will affect access to my property at busy times.
- Something must be done to stop traffic from using Rencliffe Avenue as a car park if this proposed planning application goes ahead.
- The height of the building and the removal of the mature trees across from my property, as well as the increased noise levels are also an issue.
- The works are planned to last two years and construction work is to take place from 8 am on Saturday and Sunday. Not acceptable, too early, too noisy and for two years! This means that I will be subjected to two years of constant construction noise from 8 am in the morning and every weekend without a break.

3 Right to Speak requests have been received.

Consultations

Streetpride (Transportation and Highways): Have no objections subject to conditions.

Streetpride (Trees and Woodlands): Have no objections to the application subject to standard planning conditions relating to tree planting and tree protection.

Streetpride (Ecology): Has no objections subject to conditions.

Streetpride (Drainage): Has no objections.

Streetpride (Landscape): Have no objections in principle but would recommend standard landscape conditions and one requiring the submission of an appropriate replacement planting scheme prior to commencement of development.

Neighbourhoods (Land Contamination): Have no objections subject to conditions.

Neighbourhoods (Environmental Health): Have indicated there is the potential for dust and noise nuisance to the occupiers of neighbouring residential dwellings and Moorgate hospital during the demolition and construction phases.

Environment Agency: Have no objection subject to conditions.

South Yorkshire Fire and Rescue: Have provided information regarding access and water supply.

Appraisal

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

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

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

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

- i) Layout and Design of the development
- ii) Impact on neighbouring amenity
- iii) Impact on highway safety
- iv) Tree issues
- v) Ecological / biodiversity issues

Layout and Design of the development

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people." Paragraph 64 adds that: "Permission should be

refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

In addition, CS policy 28 ‘Sustainable Design’ indicates 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. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The applicant indicates that the location of the new school and its massing were influenced by; “...the schools desire to express its ever improving attainment by placing the new school close to the main road as a symbol of the regeneration of this successful school.” In addition, “As the site is adjacent to existing mature woodlands and areas of archaeological and ecological interest, the proposed location for the new school sought to move away from the mature woodland to the south of the site and utilise an area of lower ecological value close to Moorgate Road.”

The applicant further states that in respect of its form and massing the design responded to the topography of the site, the context and the available view and the desire to create an open and approachable school.

The reduction in the school’s footprint and moving it away from the green belt boundary, ancient woodland and statutory protected archaeological site located to the south and south west of the school field is welcome as it will have a beneficial effect on the openness of the Green Belt. Furthermore, by landscaping the footprint of the existing school which is sited close to the green belt boundary and not form part of the new school’s footprint it will help enhance the visual appearance of the surrounding area.

It is considered that the siting of the new school building, which would be no further forward in the site than the existing front building line, is supported.

In regard to the scale of the development it is acknowledged that the height of the new building, particularly at the front of the site will be higher than existing and would be of a greater mass, given its width. However, the height of the building is not alien in this area, given the office block and hospital buildings either side of the application site. It is therefore considered that given the context of the site, it would not appear overdominant when viewed in the streetscene.

Turning to the external appearance, the main building to the front has been designed to be a three-storey block that occupies the width of the site, it will be of the same height all the way through. There would be a central glazed section, with an entrance door and a fairly regular window pattern, which has been dictated by the internal rooms and also building standards. The front elevation will be of a buff brick, taking inspiration from the office building adjacent, with the side elevation facing Lawton Lane having an area of brick specials and a glazed floor to ceiling section to add interest at the main entrance as the building turns the corner from Moorgate Road to the main school entrance. The link elevation to the rear of the main building will be two-storey and act as a contrast between the teaching wing and sports hall. The sports hall to the rear of the building is to be clad in black trapezoidal cladding, with some contrasting panels and a pitched roof.

Having regard to the above, it is considered that the proposed development is of an appropriate scale for the site and sufficient space is retained for outdoor recreation, parking, service yards and landscaping. The scale and height of the proposed school, whilst three-storey is similar to the office building and hospital either side of the site, and far enough away from properties on the opposite side of Moorgate to not appear overbearing or overly dominant in the streetscene.

Furthermore, the existing trees to the front of the site, where all but three are to be retained, together with the boundary treatment will assist in softening the appearance of the building in terms of views of the development from outside the site.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design which will comply with paragraph 17 and 56 of the NPPF and Core Strategy policies CS21 and CS28.

Impact on neighbouring amenity

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning (amongst others) should:

- always seek... a good standard of amenity for all existing and future occupants of land and buildings.”

The site lies adjacent residential properties which are on the opposite side of the busy Moorgate Road, and some of them are at a lower level than both Moorgate Road and the school site and have high conifer hedges to the front.

The proposed building would be sited no closer than the existing school, which is approximately 50 metres from the front elevation of properties on the opposite side of Moorgate Road. Although the new school is proposed to be higher and occupy more of the site frontage than the existing school building the separation distance, together with boundary treatments and land levels will reduce any potential for loss of residential amenity by virtue of it having an overbearing impact.

In terms of potential noise and disturbance issues arising from the proposed school once constructed, it is considered that the situation will not be altered. This is because the play areas will remain to the rear of the site behind the main building, and the pupil numbers will remain similar to the existing numbers.

It is therefore considered that the proposed development would not give rise to any amenity issues.

Impact on highways

With regard to construction traffic, the applicant has indicated that at its peak the development would result in around 25 HGV deliveries a day. The HGVs and other vehicles will use the A631 West Bawtry Road and then the A618 Moorgate Road. Contractors will be provided with a route plan and a route agreement will be signed by contractors.

All construction traffic will access the site via the existing access to the South East of the site adjacent the Rotherham General Hospital. This access road was used to access the car park at the former swimming pool on site and is tarmacked. The access road will be gated off once the construction has been completed as the land is the ownership of Rotherham Hospital and the applicants only have an agreement through the construction phase. The main vehicular access route to the school shall remain as existing along Lawton Lane.

Traffic movements into and out of the site will be timed to avoid School drop off and pick up times. Deliveries to the site will be restricted between 8:15 and 9:15 and 15:15 and 16:00. Site personal will be on site by 7:30 and will not leave until 16:30.

HGVs above 7.5 tonnes will only be permitted to turn left in and right out of the site access road, and all delivery vehicles will be able to turn around in the site to exit in a forward gear.

The construction site is approximately 50m from the highway, it is considered unlikely that mud and other debris will be carried onto the public highway; however a road sweeper will be employed.

There will obviously be some impact on the highways during the construction phase of the development, in terms of increased vehicles. However, it is considered that from the information provided and the mitigation measures indicated in the supporting documents any impact would be minimal and would be managed appropriately.

In terms of highway issues once the new school has been constructed, it is noted that car parking will be provided on-site at a level which will provide sufficient parking facilities for both staff and visitors. The car parking areas will be the same as those currently used by staff and visitors and as the number of staff is unlikely to be dramatically different the levels are considered acceptable.

Provision has also been made for pedestrians and cyclists within the development which will be as per existing.

The issues raised by the objectors in relation to parking issues when parents are dropping off and picking up children, and the fact that some parents park on double yellow lines, on the crossing and blocking drives are acknowledged. However, the planning system cannot enforce against the illegal parking of parents, it is for the other departments to enforce and take action. Furthermore, notwithstanding the outcome of this application the issue of parents illegally parking would remain.

Having regard to the above it is considered that the proposed development through the construction phase and once completed would subject to conditions have no detrimentally adverse impact on the highway network or on highway safety.

Landscape issues

The NPPF at paragraph 58 notes that planning decisions should aim to ensure that developments are visually attractive as a result of appropriate landscaping. This is further emphasized in Paragraph 109 which states that "The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the

Government's commitments to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures ...”

CS policy 21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes.

In support of the application an Arboricultural Report has been submitted which provides a survey of existing trees on site. The report identifies details of 49 individual trees, 16 groups of trees and 1 small woodland / copse of trees. The contents of the report and its recommendations are noted and generally accepted.

Of the existing trees those positioned towards the site frontage with Moorgate Road, along Lawton Lane and either side of the access between the school and the hospital provide valuable and important amenity. For this reason their retention whilst their condition allows is desirable. The trees within the application site are not protected by a Tree Preservation Order but the ones within the grounds of the Hospital car park are subject of Tree Protection Order No. 3 1976. Most of those fronting Moorgate Road and Lawton Lane would no doubt meet the criteria for inclusion within a new Tree Preservation Order if their future prospects were considered at risk.

According to the submitted Tree Retention & Removal / Protection Drawing submitted in support of the application, 12 individual trees and 2 groups of trees are shown to be removed. Of these 3 individual trees and 2 groups to be removed to accommodate the development and the site compound. The remaining trees are recommended for removal due to poor natural development, poor condition and / or limited future prospects.

There are no objections from the Council's Trees and Woodlands service to the removal of these trees subject to new trees being planted within the site to provide future amenity and associated wildlife benefits. These may be included as part of a detailed landscape scheme for the site. The retained trees will buffer the initial visual impact and this is expected to have little impact on the present character of the area. There is sufficient space for tree planting and a new landscape scheme.

Some of the trees on site may be at risk by parts of the proposed development and associated construction activities. Any potential conflicts have been identified in the submitted Tree Assessment, Impact Appraisal and Method Statement and the subsequent supplementary information. Advice is contained within the reports on how to minimise any adverse impacts on the trees indicated for retention. Therefore, in order to safeguard the future prospects of the trees indicated for retention throughout the development they should be done so in accordance with the submitted information, which should also include a watching brief, including regular inspections and reports to the Council by the appointed Arboricultural Consultants throughout the development.

With regards to the proposed landscaping scheme, the applicants have submitted a landscape planning layout plan which shows functional outdoor play areas, formal hard and soft landscaped areas, hedges, wildflower meadow and tree planting. The plan is intended to provide a general concept of how the site could be landscaped to provide an attractive environment. However a detailed landscaping plan would be required and subsequently approved prior to the commencement of work on site.

The Council's Landscape Architect has reviewed the proposals and recommends that additional information is required prior to the commencement of work on site. They are of the opinion that with a combination of 15 individual and group of trees being removed the proposed mitigation planting of three trees is not adequate and replacement planting should be provided on a like for like basis which would require 15 replacement trees to be provided within the site.

Having regard to the above and subject to the imposition of a condition requiring the submission of a full landscaping scheme including replacement planting prior to the commencement of works on site, it is considered that the general landscape concept is acceptable and in accordance with Paragraph 58 of the NPPF, policy CS21 'Landscapes' of the adopted Core Strategy and 'saved' UDP policies ENV3.2 'Maintaining the Quality of the Environment' and ENV3.4 'Trees, Woodlands and Hedgerows'.

Ecological / biodiversity Issues

Policy ENV3.2 'Maintaining the Character and Quality of the Environment' states: "In considering any development or other proposals which would unavoidably damage an existing environmental interest, prior to determining a planning application, the Council will require the application to be supported by adequate survey, evaluation, recording, and where appropriate, details of renovation or repair of historic fabric and rescue or relocation of features or species of environmental interest should be reduced to a minimum and, where possible, the interest which is retained should be enhanced. In addition there must be adequate compensation for any significant losses through landscaping, habitat creation or other environmental enhancement."

Paragraph 118 of the NPPF seeks for planning proposals to provide opportunities to incorporate biodiversity in and around developments.

The preliminary ecological assessment submitted with the application concludes that the site is of low conservation interest.

The preliminary ecological assessment identified potential for nesting birds, bats, badgers, reptiles, toads and hedgehogs to be present. As these are either protected or prioritised at a national level it will be necessary for the development to ensure adequate protection and any necessary mitigation for adverse impact.

The assessment report contains two recommendations – avoidance of vegetation disturbance during the nesting bird season and the completion of a bat survey – which are appropriate and supported. The report also includes recommendations for enhancement measures, which again are appropriate.

The report does not include specific mitigation recommendations for badgers, reptiles, toads and hedgehogs; consideration will need to be given to these measures, which could be conditioned if planning approval is forthcoming.

The bat survey extent and methodologies are appropriate. Two of the twelve identified survey locations have only had one activity survey but the results do accept the potential presence of temporary bat roosting based on the style of the building trim which demonstrates a precautionary approach. The results of the survey work are

accepted, one confirmed bat roost has been identified and the potential for additional temporary roosting has been noted. The recommendation section (4) of the submitted report is appropriate and all recommended measures are supported.

The proposed development will have an adverse impact on a European protected species and it will be necessary for the local planning authority to engage with the Conservation of Habitats and Species Regulations 2010. If planning approval is forthcoming it will be necessary for the applicant to obtain a European Protected Species License (EPSL) from Natural England prior to the commencement of any works.

In accordance with the Conservation of Habitats and Species Regulations 2010 regard has been given to the requirements of the Regulations. It is considered that, with adequate mitigation measures, the requirements can be met and that planning approval should not be constrained by this matter.

Having regard to the above it is considered that the proposed development subject to the imposition of a condition requiring a biodiversity mitigation and enhancement strategy and a bat mitigation strategy scheme can be accommodated on this site without it having a detrimental impact on biodiversity. The proposal is therefore considered to fully accord with the provisions of UDP Policy ENV3.2 'Maintaining the Quality of the Environment' and paragraph 118 of the NPPF.

Other Considerations

In respect of the issues raised by the objector, the issues relating to impact on the outlook from adjacent properties, the height of the building proposed and the loss of trees are dealt with in other sections of this report.

The school entrance referred to is already in situ, despite not currently being used, it was used to access the former swimming pool and does not directly face any residential property. It would be one of two entrances to the school site, and would be the furthest from the main entrance to the school which will be off Lawton Lane.

The issue of cars parking illegally on the double yellow lines on Moorgate Road and Rencliffe Avenue at drop off and pick up times, is one that is unfortunate but it is not for Planning to enforce this issue. In addition the planning system cannot be used to impose parking restrictions on neighbouring highways. In terms of planning and highways the issues that can be considered are detailed in a previous section of this report.

In terms of school children throwing rubbish into gardens, this again is unfortunate and should be dealt with by the school, as it is not a material planning consideration in the determination of this application for a replacement school.

With regard to hours of working on the site during the construction phase, the Council cannot impose a deadline for works to be complete. However, in terms of hours of working during the construction phase, this will be enforced by the Environmental Health Act. The Council's Environmental Health department have provided comments on the proposal and have advised that the standard informative be attached to any approval, which details hours of working amongst other things. If the hours of working on site do occur at unsocial hours then Environmental Health will be able to enforce

Conclusion

Having regard to the above it is concluded that the proposed scheme is one that would fully comply with the relevant sections of the NPPF, policies of the Core Strategy and UDP. Therefore, notwithstanding the comments raised by the objectors the application is recommended for approval subject to conditions.

Conditions

01

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

Reason

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

02

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

BDP-01(PL)AE-100 B, received 13 October 2014
BDP-01(PL)AE-101 B, received 13 October 2014
BDP-01(PL)AP-100 B, received 10 October 2014
BDP-01(PL)AP-101 B, received 10 October 2014
BDP-01(PL)AP-102 B, received 10 October 2014
BDP-01(PL)AP-103 B, received 10 October 2014
BDP-01(PL)AS-103 B, received 10 October 2014
BDP-01(PL)AS-104 B, received 10 October 2014
OAK_CP_94_002 B, received 9 October 2014
OAK_PL_00_001 PO1, received 8 August 2014
OAK_PL_00_002 PO1, received 8 August 2014
BDP-01(PL)AS-10, received 8 August 2014
BDP-01(PL)AS-105 A, received 8 August 2014
BDP-01(PL)AP-002, received 8 August 2014
2.5.10 A, received 8 August 2014

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

- a/ a permeable surface and associated water retention/collection drainage, or;
- b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

05

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

Reason

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

06

The measures contained within the travel plan dated July 2014 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 improvements or modifications to the travel plan following submission of progress performance reports as time tabled in the monitoring strategy.

Reason

In interests of sustainable transport.

07

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

08

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in

accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with the submitted Tree Retention & Removal/ Protection Plan Drawing No OAK-CP-94-001 dated, September 2014. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

09

All tree works shall be carried out in accordance with B.S.3998: 2010. The schedule of all tree works shall be approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven day's notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

10

No work or storage on site shall commence until a schedule for the regular inspections of the trees on site and timeframe for submitting subsequent reports as part of a watching brief have been submitted to and approved in writing by the Local Planning Authority. Once the schedule for site inspections has been agreed, the appointed Arboriculturist Consultant shall submit the relevant reports to the Council for consideration within the timeframe agreed.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

11

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.

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

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

12

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 Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

13

Prior to the commencement of development a biodiversity mitigation and enhancement strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

To ensure minor ecological impact are mitigated for, in accordance with the NPPF and policy CS20 'Biodiversity and Geodiversity' of the adopted Rotherham Core Strategy.

14

Prior to the commencement of development a bat mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all elements listed in section 4 of the Bat Survey Report (Quants Environmental, July 2014) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

To ensure minor ecological impact are mitigated for, in accordance with the NPPF and policy CS20 'Biodiversity and Geodiversity' of the adopted Rotherham Core Strategy.

15

Prior to the commencement of development the Local Planning Authority will be provided with either:

- i) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead; or
- ii) A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.

Reason

To ensure the protection of birds in accordance with the Wildlife and Countryside Act 1981.

16

Prior to commencement of development, an intrusive investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. Reference to Section 5 – Conclusions and Recommendations for site investigation works on pages 16 & 17 of the Phase I Geo-Environmental Desk Study Report, Oakwood High School, by Mott McDonalds must be taken into consideration.

The report must 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.

17

Ground gas monitoring will be required to determine the ground gassing regime at low and falling atmospheric pressure conditions. As a minimum gas monitoring should be undertaken on 6 occasions over a period of 3 months. This will enable a current gas risk assessment to be undertaken, to determine if gas protection measures are required for the proposed development. If gas protection measures are required for the site, these will need to be agreed in writing by the Local Authority prior to development commencing.

Reason

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

18

Subject to the findings of item 1 above, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation 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.

Reason

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

19

The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local 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.

20

Prior to development if subsoil's / topsoil's are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

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.

21

Following completion of any required remedial/ground preparation works a Verification Report should be forwarded to the Local Authority for review and comment. The verification 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 verification 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 verification data has been approved by the Local Authority.

Reason

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

22

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100yr critical storm (plus an allowance for climate change) will reduce the run-off from the undeveloped site by a minimum of 30% following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a maintenance regime for the lifetime of the development

Reason

To prevent the increased risk of flooding, both on and off site.

Informatives

01

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such

times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

02

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

03

The applicant is advised that access for appliances should be in accordance with Approved Document B, Volume 2, part B5, Section 16 and Water supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

04

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

05

A mains connection has been proposed for foul drainage disposal. You are strongly advised to satisfy yourself, prior to determination, that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, Yorkshire Water, to attain this information. If capacity is not available, an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the capacity issue secured as part of the planning permission. If a non-mains solution is to be considered we should be re-consulted, prior to determination, and given the opportunity to comment further.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1145
Proposal and Location	Application to vary condition 23 (opening times) imposed by RB2014/0230 (Demolition of existing units and construction of new food store with car parking, landscaping and associated works), at land between Main Street and Bawtry Road, Bramley S66 2TW
Recommendation	Grant subject to conditions



Site Description & Location

The site to which this application relates comprises of a parcel some 0.59 hectares in area and contains the former and now vacant Lighting Bug and Conservatory Centre premise which in total comprises approximately 1,043 sqm in area to the north of Bawtry Road. To the rear of the site and accessed via Main Street is a metal clad steel framed building currently also previously used as a car repair centre along with a two storey brick built residential dwelling (Church View).

Surrounding properties to the west comprise of the brick and mock Tudor constructed King Henry public house and its rear parking area; 'Thornfield' which is a brick constructed two storey office building with ground floor estate agency and bookmakers unit; and Bramley Working Men's Club which is a mix of single and two storey flat

roofed buildings. Properties to the north include a single storey wrap around carpet warehouse which is attached to a two storey brick built ground floor hairdressers / barbers with offices above. To the east of the site is located one half of a pair of semi-detached dwellings (No. 97 Bawtry Road) which is a two storey extended dwelling having a detached garage immediately adjacent the boundary with the application site and garden located to the front.

The site is screened adjacent to No. 97 Bawtry Road in part by a small expanse of rendered wall (approx. 1.8 metres high) with the remainder being screened by natural vegetation. Screening to the west of the site comprises of a brick wall, approximately 1.5 – 1.8 metres in height, which separates the site from the adjacent Public House car park, 'Thornfield,' and Bramley Working Men's Club.

Background

Members will recall that a full application (RB2014/0230) for the demolition of existing units and construction of new food store with car parking, landscaping & associated works was granted subject to conditions at Planning Board on the 24 April 2014.

Condition 23 of that approval stated:

"The store hereby permitted shall be open to the general public between the hours of 08.00 – 21.00 Monday to Saturday and between the hours of 10.00 -17.00 on Sundays.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent property in accordance with UDP Policy ENV3.7 'Control of Pollution.'

Screening Opinion:

The proposals have previously been screened against the Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011, as the development site exceeded 0.5 hectares in overall area. Having appraised the proposals under paragraph 10b (Urban Development Projects) of Schedule 2 to the 2011 Regulations and having further regards to the criterion set out in Schedule 3, it was determined that the proposed development would not be likely to have significant effect upon the environment by virtue of factors such as its nature, size or location, or have a significant urbanising effect in a previously urbanised area.

Although Circular 02/99 has since been superseded by the National Planning Practice Guidance (March 2014), it is not considered that this change in guidance has altered the previously screening opinion given. The current application has been assessed against paragraph 13b (Any change to or extension of development...where that development is already authorised, executed or in the process of being executed), of Schedule 2 to the 2011 Regulations, and it has been concluded that the development as a whole, including the proposed changes to the approved scheme, do not have significant adverse effects on the environment, and the 0.5 hectare threshold in the corresponding part of column 2 of this table applied to the change or extension are not met or exceeded. As such, no further screening opinion is required.

Proposal

This current application is made under Section 73 of The Town & Country Planning Act 1990 and proposes to seek a variation to condition 23 imposed upon application RB2014/0230 in order to allow an additional hour of use of the supermarket between 2100-2200 on Mondays to Saturday in order to meet the needs of their customers. There are no proposals to change the hours of opening on Sundays (being 1000-1700).

A supporting statement has been submitted which indicates that "...this proposal is in line with Aldi's new strategic operational model for all of their stores, which will be coming forward in the next few months for all stores within the region. Within this strategy all stores will operate until 2200 hours. Aldi stores elsewhere in the country have already successfully operate to these hours in similar contexts for some time."

The statement further notes that: "...the proposed variation is in keeping with the opening hours of the nearby Morrison's food store which operates between 07:00 –and 23:00 hours Monday to Saturday."

The statement further advises: "It is also worth taking into account that the existing and proposed store closing times both fall within the WHO day-time period of 07:00 – 23:00 hours and the European Noise Directive 'evening' period of 19:00 – 23:00 hours."

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Retail (Town Centre) purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy Policies:

CS27 'Community Health and Safety'

UDP (saved) Policies:

ENV3.7 'Control of Pollution'

Other Material Considerations

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

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

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

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of both press and site notice, along with neighbouring notification letters sent to the immediately surrounding properties.

One letter of representation has been received from the occupier of No. 66 Main Street, Bramley which would be directly opposite the proposed new rear entrance / exit to the proposed store and parking area. The representations received in summary note:

- Feel negatively about an Aldi store being built opposite our cottage as we believe it will de-value our property.
- Having spent thousands renovating over 6 years this old cottage, had we known back then that an Aldi was going to be built we would definitely not purchased our cottage.
- If we were to sell then we do think we would definitely have trouble in doing so.
- If the Aldi does get the go ahead the entrance and exit are directly opposite our lounge, dining room, kitchen, bedroom and bathroom windows therefore as the plan is to stay open until 10pm we would have noise and head lights shining in our windows until this time and possibly later.
- Do accept that yes something does need doing with the land opposite but a few lovely detached houses would definitely be more with the in-keeping of the road.

Consultations

Neighbourhoods (Environmental Health) – Raise no objections on residential amenity grounds.

Streetpride (Highways and Transportation) – Raise no objections to the proposals on highway safety.

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.

In regards to the principle of development, layout and design, landscaping, biodiversity / ecology matters, contaminated land and drainage issues, these matters have already

been established by the granting of the original application RB2014/0230 and do not require re-visiting as part of the current application as there have been no changes to material circumstances in respect of these matters.

The main considerations, however, in respect of the current application relate to:

- The impact of increased hours on the amenity of surrounding uses.
- The overall impact on highway safety.
- Any other matters raised by objectors.

Impact of increased hours on the amenity of surrounding uses.

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

The Core Strategy Policy further goes on to note that: "New development should be appropriate and suitable for its location. Proposals will be required to consider (amongst others) the following factors in locating and designing new development:

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

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

Planning permission will not be granted for new development which:

- (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place,"

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

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

The NPPG notes that: "Local Planning Authorities decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur.
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.”

The key point is that the NPPF notes that decisions on planning applications should avoid “noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.” Taking account of the above, the site to which this proposal relates is located adjacent to a number of existing noise generating users to the west i.e. King Henry Public House and its associated parking area and Bramley WMC, and these premises are licensed 10.00 to 00.30 Monday to Sunday (King Henry) and 11.00 – 00.00 Sunday to Thursday, 11.00 – 01.00 Friday and Saturday the Bramley WMC. In addition the adjacent uses at ‘Thornfield,’ along with a mix of commercial premises to the north and the haulage / plant hire premises to the east primarily open day time with the exception of the bookmakers which is also licensed to open daily until 22:00.

The nearest residential properties to the site boundaries are those located to the rear at No. 66 Main Street which is set some 15 metres distance, and No. 97 Bawtry Road to the east which is set some 11 metres in distance. It is however noted that the siting of the proposed store / delivery bay and parking area remains unchanged from that previously considered with the principal elevation facing Bawtry Road and servicing arrangements to the rear.

In addition, as per the previous application there are no extraction vents etc. proposed on the roof of the proposed store, with all the extract, refrigeration equipment installed to the rear of the site adjacent to the loading bay and the vents closest to the existing 2m high boundary wall with No. 97 Bawtry Road being indicated for general ventilation purpose only, will not emit any noise, and the introduction of a further screen (likely to be 2m high close boarded fence) in this locality will act as a further barrier to potential noise generation.

Finally, it should be noted that Condition 22 of the original permission, relating to hours of delivery, states: “All deliveries to, or collections from the store shall be carried out between the hours of: Monday to Saturday: 07.00 - 23.00 & Sunday: 09.00 - 22.00”. As such, the store has been approved to be open for deliveries until later in the evening than the current proposal for opening hours for the public on Mondays to Saturdays.

With the above in mind, having been assessed by the Council’s Neighbourhoods (Environmental Health) Service, taking account of the opening hours of the surrounding commercial premises, it is unlikely that the proposed increase in opening times by a further one hour would give rise to any additional ambient noise that would result in any significant increase in disturbance to the nearby residential properties. As such, no objections are raised subject to the repetition of a condition requiring the submission of noise mitigation strategy and implementation of any mitigation measures arising as part of any planning application granted,

The comment received from the adjacent resident in respect to the additional disturbance and impact upon residential amenity with vehicles entering / leaving the site is noted, however taking account of the existing boundary treatments which consist of a dwarf wall with natural screening set behind which is provided to this particular property, this is considered to create a further barrier to the proposed development, and therefore

in this respect a reason for refusal on loss of residential amenity could not be substantiated on these grounds.

As such, the proposals comply with Core Strategy Policy CS27 'Community Health and Safety,' 'saved' UDP Policy ENV3.7 'Control of Pollution,' the advice contained within the NPPF and the guidance outlined in the NPPG.

Impact on highway safety.

The proposed inclusion of the additional hours is not considered to alter the previously submitted transportation assessment, neither does the overall scheme propose to alter any of the previously indicated delivery / servicing or car parking and access arrangements at the site.

As such it is not considered that the additional hour of trading per day would lead to unacceptable increased demands upon the surrounding highway infrastructure or upon internal site parking provision to an unacceptable degree.

Other matters raised:

In regards to the other matters raised in the in the above 'publicity' section to this report, the potential impact on house values is not a material consideration that can be considered as part of the planning process, and the preference for housing on the site is also not material as the principle of the retail development proposed has already been granted.

Conclusion

Overall, the revised proposed hours of use, incorporating additional store opening hours only, are considered to be acceptable, bearing in mind that there are other uses within the local area that operate to and beyond the requested 2200 hours and as deliveries to the store are already allowed until 2300 hours, and the additional hours will not unduly impact upon the amenities of adjacent properties and will not have a significant impact upon highway safety.

On this basis, the application is therefore recommended for approval subject to the conditions as set out below.

Conditions

01

The development hereby permitted shall be commenced before the expiration of three years from the date of the original permission which for the avoidance of doubt was 28 April 2014.

Reason

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

02

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

Drawing numbers:

0491-50 Location Plan; 0491-101 Proposed GA; 0491-104 Roof Plan (received 17-02-2014)

0491-102A Proposed elevations (received 07-04-2014)

0491-100D Proposed site layout (received 14-04-2014)

Reason

To define the permission and for the avoidance of doubt.

03

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works, discharge points and off-site works, have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason

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

04

No development shall take place until details showing how surface water run off will be reduced by 30% from that of the existing site have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason

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

05

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

06

Prior to the commencement of development, details of the proposed vehicle accesses, including closure of the existing vehicle access on the site frontage with Bawtry Road as shown in draft form on Drg No 0491-100 rev D, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason

In the interests of highway safety.

07

Prior to the commencement of development, details of a prospectively adoptable footway (including 2 No tactile pedestrian crossings) as shown in draft form on Drg No 0491-100 rev D on the site frontage to Bawtry Road and Main Street, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason

In the interests of highway safety.

08

Prior to the development being brought into use, a Car Parking Management Strategy shall be submitted to and approved by the Local Planning Authority and the approved plan shall be implemented throughout the life of the store. The strategy shall include details of the availability of 2 hours free car parking for customers and non-customers of the store.

Reason

In order to promote sustainable transport choices and encourage linked trips to other facilities in Bramley Town Centre.

09

Prior to the development being brought into use, an HGV routing strategy for delivery vehicles shall be submitted to and approved by the Local Planning Authority. The approved plan shall be based on delivery vehicles utilising the Bawtry Road access only and shall be implemented throughout the life of the store.

Reason

In the interests of highway safety.

10

The proposed landscaped area on the western side of the proposed access from Bawtry Road to the first car parking bay shall be maintained at a maximum height of 900mm above the nearside road channel.

Reason

In the interests of highway safety.

11

The vehicular access drive from Bawtry Road shall not exceed a gradient of 5% for a distance of 10 metres measured from the highway boundary and 10% thereafter.

Reason

In the interests of highway safety.

12

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

a/ a permeable surface and associated water retention/collection drainage, or b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

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

13

Before the development is brought into use the car parking area shown on Drg No 0491-100 rev D shall be provided, marked out and thereafter maintained for car parking.

Reason

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

14

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

Reason

In order to promote sustainable transport choices.

15

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

Reason

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

16

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.

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

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

17

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 Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

18

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

19

Prior to the commencement of any development, including any demolition works an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved details.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

20

The development hereby approved shall be implemented and completed in accordance with the advice and recommendations contained within the submitted Urban Green Arboricultural Report dated 14 February 2014.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

21

Prior to the commencement of any development, including the demolition of the existing buildings, details of the design and construction method of the proposed access / parking areas within the recommended root protection areas of the existing trees on /off the site shown for retention shall be submitted for approval. The development shall then be implemented in accordance with the approved details.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

22

All deliveries to, or collections from the store shall be carried out between the hours of 07.00 - 23.00 Monday to Saturday and 09.00 - 22.00 on Sundays.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with UDP Policy ENV3.7' Control of Pollution.'

23

The store hereby permitted shall be open to the general public between the hours of 08.00 – 22.00 Monday to Saturday and between the hours of 10.00 -17.00 on Sundays.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with UDP Policy ENV3.7' Control of Pollution.'

24

Notwithstanding the submitted details with regard to externally mounted plant / equipment for heating, cooling or ventilation purposes (inc grilles, ducts, vents for similar internal equipment), no development shall take place until a detailed noise mitigation strategy has been submitted to and agreed in writing with the Local Planning Authority to demonstrate that noise levels at the nearest noise sensitive property boundaries from the aforementioned equipment shall not exceed existing background noise readings by 5dB(A) during the day and 3dB(A) at night. The approved details shall be installed as approved prior to the use commencing and shall thereafter be retained and maintained and should not be altered / replaced without the prior written approval of the Local Planning Authority.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with UDP Policy ENV3.7 'Control of Pollution.'

25

No development shall take place until details for the external illumination of the proposed store and car parking areas have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of neighbour and visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policy ENV3.7 'Control of Pollution.'

26

Prior to the commencement of any development, including demolition or vegetation removal, further bat activity survey work shall be undertaken in accordance with best practice standards and a findings report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the following:

- results of the bat activity survey, and any actions arising from the survey work
- measures to ensure any subsequent bat use of the buildings will be appropriately monitored
- confirmation that the demolition of buildings 1&2 (as identified in the Brooks Ecological report, February 2014) will be undertaken under the supervision of an appropriately licensed consultant
- where appropriate, measures to enhance the suitability of the site by bat species.
-

The development shall thereafter be implemented in accordance with the approved details before the development is brought into use.

Reason

In the interest of biodiversity.

27

Prior to the commencement of development a biodiversity enhancement statement, including a schedule for implementation, shall be submitted to and approved by the

Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of biodiversity.

28

Prior to commencement of development, an intrusive contamination investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report 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.

29

Subject to the findings relating to condition 28, a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority prior to any remediation 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 full on site under a 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.

30

Following completion of any required remedial/ground preparation works a Verification Report should be forwarded to the Local Planning Authority for review and comment. The verification 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 verification 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 verification 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.

31

Ground gas monitoring will be required to determine the ground gassing regime at low and falling atmospheric pressure conditions. This will enable a current gas risk assessment to be undertaken, to determine if gas protection measures are required for the proposed development. If gas protection measures are required for the site, these will need to be agreed in writing by the Local Planning Authority prior to development commencing, and approved details implemented before the development is brought into use.

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.

32

Prior to development if subsoil's / topsoil's are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

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.

33

No demolition of the existing buildings at the rear of the site that are physically attached to other buildings to be retained shall occur until a scheme for the 'making good' of those side and gable elevations exposed by demolition works hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

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

Informatives

01

INF 11A Control of working practices during construction phase (Close to residential)

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham

Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

- (i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
- (ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
- (iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
- (iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

02

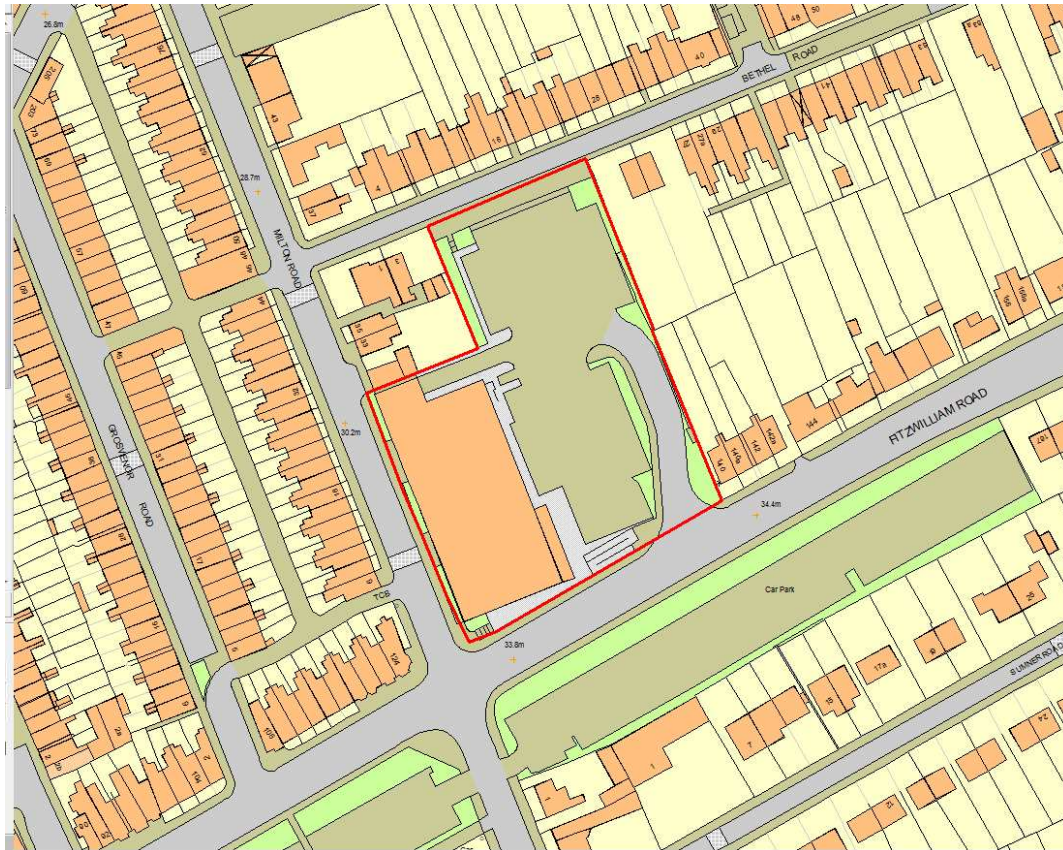
South Yorkshire Police Recommendations:

- The parking areas should offer a uniform light with no dark areas to BS 5489. The safer parking scheme 'Park Mark' should be considered. www.saferparking.com
- All doors and windows should be to the standards required by Secured by Design. www.securedbydesign.com.
- The bin store should be secured at all times.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1146
Proposal and Location	Application to vary condition 09 (opening times) imposed by RB2010/0421 (Erection of foodstore with associated car parking, landscaping and new access), Aldi Foodstore Ltd, 126 Fitzwilliam Road, Eastwood. S65 1QA
Recommendation	Grant subject to conditions



Site Description & Location

The site comprises of the Aldi foodstore that lies on the northern side of Fitzwilliam Road in Eastwood between Fitzwilliam Road and Bethel Road. The site lies approximately 750 metres north east of the main retail area of Rotherham Town Centre and has been trading for approximately 4 years.

The area surrounding the site is fairly mixed in character with predominantly high density terraced properties, interspersed with small retail buildings, on the northern side of Fitzwilliam Road.

The southern side of Fitzwilliam Road is more commercial with a number of car parks and more recently approved car sales areas. The entrance to the building faces away from the majority of the residential properties.

Background

The most relevant planning history of the site is summarised as follows:

RB2009/1211 – Erection of foodstore with associated car parking, landscaping and new access – granted. Condition 9 states:

“The use hereby permitted shall only be open to customers or for deliveries between the hours of 0700 to 2100 Mondays to Saturdays and 0800 to 1800 on Sundays and Bank Holidays.”

RB2010/0421 – Application for variation of condition 9 to allow opening for deliveries and customers between 0700-2200 Mondays to Saturdays and 0800 to 2000 on Sundays & Bank Holidays (previously approved under RB2009/1211) – granted 19/05/10. At that time the retail unit had not been constructed and this permission was effectively implemented by the completion of the store, though the operators have not opened the store to the newly approved hours.

RB2010/1490 – Non-material amendment to RB2009/1211 to replace render with metal flat cladding – granted

Proposal

As noted above, the hours of opening for both the public and deliveries as originally approved in 2009 were extended under the 2010 permission, and it is this latter permission that has been implemented. Whilst the store has not to date actually opened to the later hours approved, it could legitimately do so. Aldi now wish to extend the opening hours for the public and deliveries on Bank Holidays to between 0700 and 2200 hours (currently they are allowed between 0800 and 2000 hours).

The proposed new wording of the condition would be:

“The use hereby permitted shall only be open to customers or for deliveries between the hours of 0700 to 2200 Mondays to Saturdays and 0800 to 1800 on Sundays.”

A supporting statement has been submitted which indicates that “this proposal is in line with Aldi’s new strategic operational model for all of their stores, which will be coming forward in the next few months for all stores within the region. Within this strategy all stores will operate until 2200 hours. Aldi stores elsewhere in the country have already successfully operated to these hours in similar contexts for some time.”

They note that the Asda foodstore on Aldwarke Lane operates 24 hours Tuesday to Friday. “It is also worth taking into account that the existing and proposed store closing times both fall within the WHO day-time period of 0700 - 2300 hours and the European Noise Directive 'evening' period of 1900 - 2300 hours.”

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham’s Local Plan together with ‘saved’ policies from the Unitary Development Plan (UDP).

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

Core Strategy Policies:
CS27 ‘Community Health and Safety’

UDP 'saved' Policies:
ENV3.7 'Control of Pollution'

Other Material Considerations

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

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

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

All of the immediately surrounding properties were notified 28th August 2014.

A site notice was erected on 11th September 2014. The application was also advertised in the South Yorkshire Times edition 5th September 2014.

No representations have been received.

Consultations

Neighbourhoods (Environmental Health) – no objections
Streetpride (Highways and Transportation) – 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 store has been approved and constructed and is operational and there are no changes to the external appearance of the store or any additional changes to the operational working of the business. The main considerations of the current application are as follows:

- Impact of increased hours on the amenity of surrounding uses.
- Impact on highway safety.

Impact of increased hours on the amenity of surrounding uses.

The Aldi supermarket is detached from the other buildings in the area, though there are numerous residential properties to the west, north and east of the site. However, the front entrance to the building faces Fitzwilliam Road which is away from all of the residential properties and is considered to face a more commercial area of Eastwood.

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

The Core Strategy Policy further goes on to note that: "New development should be appropriate and suitable for its location. Proposals will be required to consider (amongst others) the following factors in locating and designing new development:

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

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

Planning permission will not be granted for new development which:

- (ii) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place,"

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

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

The NPPG notes that: "Local Planning Authorities decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur.
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved."

The key point is that the NPPF notes that decisions on planning applications should avoid “noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.” In this instance, the applicant effectively wants to remove the controls over hours that apply to Bank Holidays so they fall in line with normal opening hours (other than Sundays). It is noted that the supermarket has become an established use over recent years and that there are other uses within local area that operate to and beyond 2200 hours and the entrance to the store lies adjacent a main road. The applicant notes in the supporting statement that similar sized supermarkets close to Parkgate local centre currently operate 24 hours. It is also noted that a new town centre Tesco (24 hour use) is located approximately 500m west of the site. Whilst it is in the advanced stages of construction, this has not started trading.

In terms of the deliveries element, Aldi have indicated in the supporting statement that there are generally a maximum of two deliveries per day and deliveries that are done are on pallets which are rolled into the warehouse, utilising the automated dock levelling system. Bearing in mind that movements are conducted internally, the likely amount of additional disruption over and above existing operations is considered to be small.

Taking the above into account, it is considered that the additional hours of opening on Bank Holidays is unlikely to give rise to any additional ambient noise that would give rise to any significant increase in disturbance to the nearby residential properties.

No objections have been received from RMBC’s Environmental Health Unit or from local residents. It is considered that the additional hours of operation would conform to the guidance in the NPPF and saved UDP policy ENV3.7 ‘Control of Pollution.’

Impact on highway safety.

The Transportation Unit have not raised any objections to the proposal from a highway safety perspective.

Conclusion

Overall, the additional proposed hours of use on Bank Holidays (excluding Sundays) incorporating store opening and deliveries are considered to be acceptable, bearing in mind that there are other uses within local area that operate to and beyond 2200 hours and the entrance to the store lies adjacent a principal road and within 500m from Rotherham Town Centre.

Conditions

01

The use hereby permitted shall only be open to customers or for deliveries between the hours of 0700 to 2200 Mondays to Saturdays and 0800 to 1800 on Sundays.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Core Strategy Policy CS27 ‘Community Health and Safety,’ and UDP Policy ENV3.7 ‘Control of Pollution.’

02

The landscaping scheme, car parking layout, and boundary treatment previously approved under application RB2010/0421 and subsequently erected shall be retained for the duration of the development.

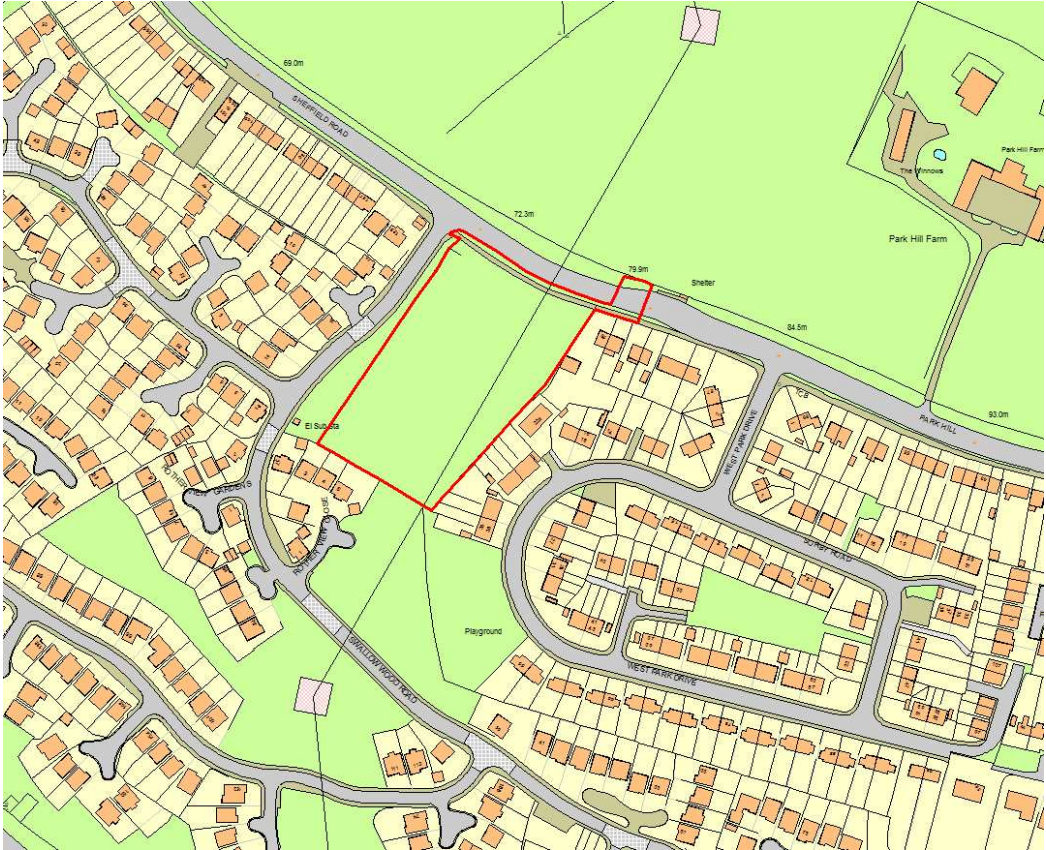
Reason

In the interests of the amenities of the occupiers of nearby dwellings and appearance of the surrounding area.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1152
Proposal and Location	Application to vary condition 18 (opening hours) imposed by RB2013/1522 (Erection of food retail store with associated car parking) at land at Sheffield Road, Swallownest
Recommendation	Grant subject to conditions



Site Description & Location

The site of application covers some 8903sqm (2.2 acres) and is located on the corner of Sheffield Road and Swallow Wood Road, Swallownest. The land is leftover from the development of the adjacent housing estates constructed during the early 2000s. The site is currently an open area of scrub land, with a large electricity cable running across the middle of the site which has prevented residential development from taking place upon the site in the past.

In additions the site has significant levels changes which rise from Sheffield Road up to 5 to 6m to the southern boundary and up to 5 to 6m from Swallow Wood Road on the west boundary to the east boundary.

The locality is a predominantly residential area with 1930s rendered dwellings along Sheffield Road and recently constructed post modern art stone and brick built dwellings along Swallow Wood Road.

Background

Members will recall that a full application (RB2013/1522) for the erection of food retail store with associated car parking at Planning Board on the 6 February 2014.

Condition 18 of that approval stated:

"The store hereby permitted shall be open to the general public between the hours of 08.00 – 21.00 Monday to Saturday and between the hours of 10.00 -17.00 on Sundays/Bank Holiday Mondays.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent property in accordance with UDP Policy ENV3.7 'Control of Pollution.'

Screening Opinion:

The proposals have previously been screened against the Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011, as the development site exceeded 0.5 hectares in overall area. Having appraised the proposals under paragraph 10b (Urban Development Projects) of Schedule 2 to the 2011 Regulations and having further regards to the criterion set out in Schedule 3, it was determined that the proposed development would not be likely to have significant effect upon the environment by virtue of factors such as its nature, size or location, or have a significant urbanising effect in a previously urbanised area.

Although Circular 02/99 has since been superseded by the National Planning Practice Guidance (March 2014), it is not considered that this change in guidance has altered the previously screening opinion given. The current application has been assessed against paragraph 13b (Any change to or extension of development...where that development is already authorised, executed or in the process of being executed), of Schedule 2 to the 2011 Regulations, and it has been concluded that the development as a whole, including the proposed changes to the approved scheme, do not have significant adverse effects on the environment, and the 0.5 hectare threshold in the corresponding part of column 2 of this table applied to the change or extension are not met or exceeded. As such, no further screening opinion is required.

Proposal

This current application is made under Section 73 of The Town & Country Planning Act 1990 and proposes to seek a variation to condition 18 imposed upon application RB2013/1522 in order to allow an additional hour of use of the supermarket between 2100-2200 on Mondays to Saturday in order to meet the needs of their customers. The applicant also requests that bank holidays are excluded from the condition allowing the store to operate standard hours rather than Sunday trading. There are no proposals to change the hours of opening on Sundays (being 1000-1700).

A supporting statement has been submitted which indicates that "...this proposal is in line with Aldi's new strategic operational model for all of their stores, which will be coming forward in the next few months for all stores within the region. Within this strategy all stores will operate until 2200 hours. Aldi stores elsewhere in the country have already successfully operate to these hours in similar contexts for some time."

The statement further advises: "It is also worth taking into account that the existing and proposed store closing times both fall within the WHO day-time period of 07:00 – 23:00 hours and the European Noise Directive 'evening' period of 19:00 – 23:00 hours."

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

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

Core Strategy Policies:

CS27 'Community Health and Safety'

UDP (saved) Policies:

ENV3.7 'Control of Pollution'

Other Material Considerations

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

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

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

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of both press and site notice, along with neighbouring notification letters sent to the immediately surrounding properties.

A total of 5 letters of objection have been received. The objectors state that:

- Not all of the community have been notified.
- The extended opening hours will cause highway safety issues.
- Many local residents go to bed at 9pm and will be kept awake by the extended opening hours.
- Not satisfied with getting this place built they want to antagonise the people who they want to sell to by opening it at times that are unacceptable for a "village shop".
- Not only is it a built up community, it will destroy local businesses, with 'Dells' shutting at the same time.
- Applicants were not honest in respect of proposed hours of opening when they first applied as they knew there would be strong objections to a store such as this in a residential area. Ten o'clock at night is far too late for such a large store.
- This is a peaceful residential area, we do not want to see or hear traffic visiting a retail store so late at night.
- Worried about the impact this will have on the traffic on Swallow Wood Road which will be used as a short cut for many people.
- In the original application many people expressed concern about youths hanging around attracted by their cheap booze, now this will be a prolonged problem later into the evening.
- Swallownest high street is a thriving busy community and allowing Aldi to trade till 10pm will drive trade away even further.

Consultations

Neighbourhoods (Environmental Health) – Raise no objections on residential amenity grounds.

Streetpride (Highways and Transportation) – Raise no objections to the proposals on highway safety.

Streetpride (Ecology) – No objection subject to previous conditions relating to bats and lighting.

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.

In regards to the principle of development, layout and design, landscaping, biodiversity / ecology matters, contaminated land and drainage issues, these matters have already been established by the granting of the original application RB2013/1522 and do not require re-visiting as part of the current application as there have been no changes to material circumstances in respect of these matters.

The main considerations in respect of the current application relate to:

- The impact of increased hours on the amenity of surrounding uses.
- The overall impact on highway safety.
- Any other matters raised by objectors.

Impact of increased hours on the amenity of surrounding uses.

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

The Core Strategy Policy further goes on to note that: "New development should be appropriate and suitable for its location. Proposals will be required to consider (amongst others) the following factors in locating and designing new development:

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

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

Planning permission will not be granted for new development which:

- (iii) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place,"

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

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

The NPPG notes that: “Local Planning Authorities decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur.
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.”

The key point is that the NPPF notes that decisions on planning applications should avoid “noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.” Taking account of the above, the extended opening hours until 2200 falls within the WHO day-time period of 07:00 – 23:00 hours and the European Noise Directive 'evening' period of 19:00 – 23:00 hours. It is now standard practice for many stores to remain open until 10pm or 11pm and such hours are therefore not unusual. With regard to the extended opening on bank holidays, a store of this size is not subject to restrictive trading on a bank holiday and as such extended opening is too restrictive for their business model. The extended hours on an occasional bank holiday Monday is not considered excessive or detrimental to neighbouring amenity. It should be noted that under separate licencing laws stores of this size cannot open at all on Easter Sunday or Christmas Day.

In addition, it should be noted that Condition 19 of the original permission, relating to hours of delivery, states: “All deliveries to, or collections from the store shall be carried out between the hours of: Monday to Saturday: 07.00 - 23.00 & Sunday: 09.00 - 22.00”. As such, the store has been approved to be open for deliveries until later in the evening than the current proposal for opening hours for the public on Mondays to Saturdays, including Bank Holidays.

The nearest residential properties to the site boundaries are those located on Sorby Road which are at a higher land level. Properties to the west are located across Swallow Wood Road. With the above in mind, having been assessed by the Council’s Neighbourhoods (Environmental Health) Service, it is considered that the proposed increase in opening times by a further one hour would not give rise to any additional ambient noise that would result in a significant increase in disturbance to the nearby residential properties.

As such, the proposals comply with Core Strategy Policy CS27 ‘Community Health and Safety,’ ‘saved’ UDP Policy ENV3.7 ‘Control of Pollution,’ the advice contained within the NPPF and the guidance outlined in the NPPG.

Impact on highway safety.

The proposed inclusion of the additional hours is not considered to alter the previously submitted transportation assessment, neither does the overall scheme propose to alter

any of the previously indicated delivery / servicing or car parking and access arrangements at the site.

As such it is not considered that the additional hour of trading per day would lead to unacceptable increased demands upon the surrounding highway infrastructure or upon internal site parking provision to an unacceptable degree.

Other matters raised:

In terms of ecology, the Council's ecologist has indicated that subject to the previous conditions relating to lighting details and bat boxes, the extended opening hours will not prevent ecological enhancement on the site.

Finally in terms of the impact upon the local town centre, this issue was addressed in the previous application and the additional hour of opening is not considered to cause any detrimental harm to any nearby town centres.

Conclusion

Overall, the revised proposed hours of use, incorporating additional store opening hours only, are considered to be acceptable, bearing in mind that deliveries to the store are already allowed until 2300 hours, including Bank Holidays, and the additional hours will not unduly impact upon the amenities on adjacent properties and will not have a significant impact upon highway safety.

On this basis, the application is therefore recommended for approval subject to the conditions as set out below.

Conditions

01

The development hereby permitted shall be commenced before the expiration of three years from the date of the original permission, which for the avoidance of doubt was 6 February 2014.

Reason

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

02

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

0783SDAR-V102A - Elevations
0783SDAR-L01A-Landscaping Plan
0783-100 - Proposed Site Layout
0783-101 - Proposed GA
0783-103 - Proposed Sections
0783-104 - Proposed Roof Plan
(Received 11/11/2013)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

The development shall not be commenced until details of the proposed access indicated in draft form on Drg No T220/06 including the proposed right turn lane have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of highway safety.

05

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

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

Reason

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

07

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any

subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices

08

The development shall not be commenced until details of the proposed central pedestrian island and footway as shown in indicative form on Drg No T220/06 have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason

In the interests of highway safety.

09

Prior to the commencement of development details of secure cycle parking facilities for staff, in accordance with the Council's Cycle Parking guidelines, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use .

Reason

In order to promote sustainable transport choices

10

Landscaping of the site as shown on the approved plan drawing no. V0783 L01A shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

Prior to commencement of development, a limited intrusive investigation and subsequent risk assessment must be undertaken by competent persons and shall 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). A written report of the findings must be submitted to and approved by the Local Planning Authority.

Reason

In the interests of safe redevelopment and afteruse of this site and in accordance with UDP Policy ENV4.4 'Contaminated Land'.

12

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

Reason

In the interest of satisfactory and sustainable drainage

13

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

14

No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason

To ensure that the development can be properly drained

15

Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

16

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason

In the interest of satisfactory drainage.

17

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all details listed in the Brooks Ecological Appraisal October 2013 and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of biodiversity.

18

The use hereby permitted shall be open to the general public between the hours of 0800 - 2200 Monday to Saturday and 1000 - 1700 Sundays.

Reason

In the interest of neighbouring amenity and in accordance with Policy HG1 Existing Housing Areas.

19

The use hereby permitted shall be open for deliveries between the hours of 0700 - 2300 Monday to Saturday and 0800 - 2200 Sunday.

Reason

In the interest of neighbouring amenity and in accordance with Policy HG1 Existing Housing Areas.

20

Prior to the use being commenced, a scheme shall be submitted to the Council for approval in writing, indicating strategies to encourage and/or enable local people to access job opportunities arising from the development site. Within 12 months of the use being commenced a statement shall be provided to and approved in writing by the Local Planning Authority demonstrating how occupants have complied with the approved scheme.

Reason

In the interests of economic regeneration of settlements associated with the development site.

21

Details of the positions, design, materials and type of boundary treatment to be erected, including gates at the entrance to the site, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

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

Informatives

INF 11A Control of working practices during construction phase (Close to residential)

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

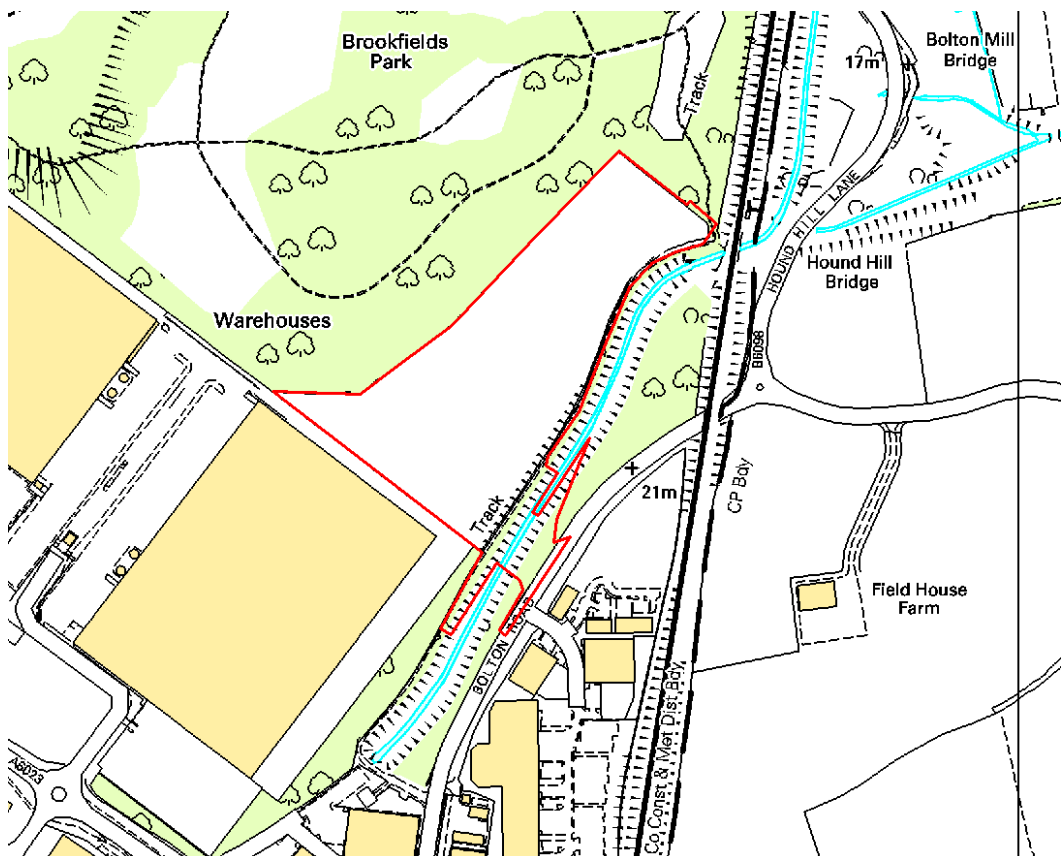
(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1217
Proposal and Location	Application to vary Conditions 01 (approved plans), 02 (materials) & 03 (working hours) imposed by RB2014/0057 (Continuation of erection of buildings to form waste treatment and renewable energy facility including ancillary visitor centre, installation of weighbridges, substations, firewater storage tank & pump house, fuel storage tank, fencing and external lighting, formation of access road to Bolton Road including bridge across Hound Hill Dyke, alteration to bridleway and associated car parking and landscaping) Bolton Road, Manvers S63 5DF
Recommendation	Grant subject to conditions



Site Description & Location

The application site relates to the Barnsley, Doncaster and Rotherham (BDR) mechanical biological waste treatment project approved under application RB2011/1539 and (subsequently amended in revised applications RB2013/0346 and RB2014/0057) on land that lies to west of Bolton Road at Manvers. The access into the site has already been implemented and is nearing completion. The buildings themselves are in the advanced stages of construction with the frames and structure of the buildings completed and internal fittings taking place.

Background

The original planning report RB2011/1539 gives full details of all previous planning applications on this site. In summary the site had applications for coal recovery in 1994, 1996, and re-contouring in 2002 and 2004.

Environmental Impact

The proposed development falls within Schedule 3(a) Industrial Installations for the production of electricity, steam and hot water of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. With regards to Column 2, the site exceeds the 0.5ha threshold.

The proposed development is considered to have the potential to give rise to significant environmental effects. Accordingly, the proposed development is regarded as EIA development and is subject of an environmental impact assessment (EIA) under the EIA Regulations.

The previous waste management application (RB2011/1539) was approved by RMBC on 8th May 2012. The subsequent small-scale amendments and a section 73 application (RB2013/0346) were also approved by RMBC in June 2013. The Secretary of State confirmed that neither application would be called in. A further amendment to the conditions was approved in February 2014 under RB2014/0057.

Proposal

The proposal is to vary conditions 01, 02 and 03 of planning permission RB2014/0057. The proposed changes can be summarised as follows:

Condition 1 (approved plans). It is proposed to alter the external design of the anaerobic digester (AD) building and east elevation of the ITS Building to improve the design and operations of the building. Revisions to the layout and appearance of the AD building have been made, but the building stays within the original consented height profile. The buildings function, throughput and emissions have not changed, but the layout and building appearance is more practical following more detailed design work. Minor amendments are also proposed to the ITS building which includes a personnel door on the SE elevation of the tipping hall, a re-alignment of plant within the refinement building, and an alternative door profile for the refinement building.

Condition 2 (materials). It is proposed to amend the external materials of the ITS Building, Workshop, Visitor Centre and Substation.

Condition 3 (Hours of operation). It is proposed to amend the operating hours of the crane within the biodrying hall so that it can be used 24hrs per day to improve the efficiency of the operations. As the crane is electric it is essentially silent and as such its noise emissions weren't part of the original noise model.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Industrial and Business purposes in the UDP with a small element of the north-eastern section of the site within the Green Belt. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy Policies:
CS28 'Sustainable Design'

UDP Policies:
ENV3.2 'Minimising the Impact of Development'
ENV3.7 'Control of Pollution'

Joint Waste Plan – Adopted 2012

Other Material Considerations

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

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

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

The application has previously updated the Environmental Impact Assessment (EIA). The following chapters form the formal EIA:

- Air Quality and Climate Factors
- Ecological Issues
- Health Impact Assessment
- Ground Contamination
- Water Quality
- Transportation
- Heritage and Archaeology
- Landscape and Visual Impact
- Noise
- Socio Economic Impacts

Publicity

Neighbouring properties were notified on the 15th September 2014 and a site notice was erected on 18th September 2014. The application was also advertised in the South Yorkshire Times edition 25th September 2014.

No representations have been received.

Consultations

Neighbourhoods (Environmental Health) – no objections
Streetpride (Highways and Transportation) – 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 application has been previously approved and all issues regarding the principle of development and the need for the facility have been discussed in earlier applications. The main considerations of the application are as follows:

- Quality of revised design and impact on the street scene and surroundings
- Impact on residential amenity
- Impact on highway safety

Quality of revised design and materials

The alterations involve some alterations to the external appearance of the unit in order to improve the operational efficiency of the building. The alterations mainly involve the relocation of some vents, roller-shutters and accessways.

The overall height and external profile remains the same and the built footprint is similar to that previously approved. A revised access is also proposed on the eastern elevation.

The alterations to the external appearance of the ITS building are considered to involve minor amendments which in isolation would likely be considered to represent a Non Material Amendment. The revisions do not involve any increase in height or alterations to the building footprint and relate predominantly to door and window alterations to the elevations.

Overall, the revisions to the design of the external elevations of the buildings are considered to have no real impact on the visual appearance of the development and are considered acceptable.

Impact on residential amenity

The reason that the condition restricting hours was originally imposed was because the applicant had stated that there would be no 24 hour use of the shredding and crane operations within the ITS building, though 24 hour workings were approved in other areas of the site. As part of the original application, all of the individual elements of the proposed workings were identified and listed in condition 03 in order to clarify the operation which seemed appropriate at the time. There are to be no alterations to the delivery times proposed to those previously approved.

The nearest residential properties are located to the west in Wath Upon Dearne and to the north of the site in Bolton Upon Dearne both at a distance of approximately 1km away. A number of nearby industrial/commercial uses (for example the Next distribution centre) operate on a 24 hour basis. It is considered that this additional working within

the ITS building will not have any additional impact on the amenities of these properties due to the distance that they are located away from the site.

The amendment of this condition is therefore considered to conform with the saved UDP Policy ENV3.7 'Control of Pollution' and is not considered to have any additional impact on nearby residents.

Impact on highway safety

The change in the working hours is not considered to have any impact on highway safety and the Transportation have raised no objections to the conditions being varied.

Conclusion

The alteration in the condition to allow the crane to be used for 24 hours in the ITS building is not considered to have any impact on the amenities of the nearest residential properties. The alterations to the materials and elevations of the ITS Building, Workshop, Visitor Centre and Substation are considered acceptable and no objections have been received. As such the application is recommended for approval.

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority. (received 18 March 2013)

(Drawing numbers

General: BR-MBT-2191-P1, BR-GEN-2100-C0

Control Room: BR-GEN-2100-C0

Site Roof Plan: 1243-PL-009

Site Sections: BR-GEN-2100-C0, BR-MBT-2108-C1, BR-MBT-2100-C1 and BR-MBT-2110-C1

ITS Elevations: BR-GEN-2100-C0, BR-MBT-2108-C1, BR-MBT-2100-C1, BR-MBT-2110-C1 and BR-MBT-2104 C7.

Visitor Admin Plan: BR-VC-2101-C0, BR-VC-2192-P1, BR-VC-2119-C0 and BR-VC-2100-C0

AD elevations: BR-AD-5981

Workshop Plan: BR-GEN-2100-C0, BR-MW-2100-C0 and BR-MW-2101-C1

Gate House plan and elevation: BR-GEN-2100-C0 and BR-EXT-2100-P5.

Substation plan and elevation: BR-GEN-2100-C0 BR-EXT-2116 C1 and BR-EXT-2330-P1) gate BR-EXT-2012

Reason

To define the permission and for the avoidance of doubt.

02

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no BR-EXT-2116 Rev C1 and BR-MBT-2104 C7. The development shall thereafter be carried out in accordance with these details.

Reason

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

03

The facility will only have the following permitted hours of operation:

Incoming non BDR, third party waste vehicles shall only deliver to the site between the following hours:

Monday to Friday 09:30 -16:30

Saturday and Sunday 07:00-19:00

The refinement, shredding and crane may be operational 24 hours a day.

The biodrying fans, biofilters and dust extraction system may be operational 24 hours a day.

Reason

To minimise the level of any disruption to the surroundings and to in accordance with Core Strategy CS28 'Sustainable Design' and UDP Policy ENV3.7.'Control of Pollution.'

04

The site shall only be used for the reception, handling, recycling, treatment and transfer of waste up to a maximum of 265,000 tonnes per annum.

Reasons

To enable the Local Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area and in the interests of road safety.

05

Prior to the first occupation of the building, a final landscape plan 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 scheme shall be directly linked into the Biodiversity Improvement Scheme. The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' as well as CS21 'Landscape'.

06

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' as well as CS21 'Landscape'.

07

The development shall take place in accordance with the approved boundary treatment (ref BETAFENCE_NYLOFOR3-M, drawing BR-EXT-2012). The boundary treatment shall be completed before the first operation of the development.

Reason

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

08

The approved Construction Management Plan, agreed under discharge of condition application RB2012/1246, shall be implemented for the duration of the constructed period of the development.

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.

09

The development shall be implemented in accordance with the details agreed under NMA application RB2013/0339 (including the vehicular access to Bolton Road, pedestrian refuge in Bolton Road, further extension of the proposed footway and alterations to the Public Bridleway) for the duration of the development.

Reasons

In the interests of pedestrian and road safety

10

The development shall be implemented in accordance with the details agreed under the Non Material Amendment application RB2013/0339, sight lines 4.5m x 155 m shall be provided and thereafter maintained at the proposed access to Bolton Road.

Reasons

In the interests of pedestrian and road safety

11

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

12

Before the development is brought into use the car parking area shown on the approved plan (ref BR-GEN-2100) shall be provided, marked out and thereafter maintained for car parking.

Reason

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

13

The development shall be carried out in accordance with the Travel Plan details previously discharged under application RB2014/0104. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme.

Reason

In order to promote sustainable transport choices.

14

The development shall be carried out in accordance with the surface water drainage scheme for the site agreed under discharge of condition application RB2012/1245.

Reason

To prevent an increased risk of flooding, both within and external to the site.

15

The site shall be developed with separate systems of drainage for foul and surface water on and off site agreed under discharge of condition application RB2012/1245.

Reason

In the interest of satisfactory and sustainable drainage.

16

Piped discharge of surface water from the application site shall only take place in accordance with the details agreed by Yorkshire Water as part of discharge of condition application RB2012/1245.

Reason

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

17

The development shall be carried out in accordance with the disposal of foul water drainage, including details of any balancing works and off-site works, agreed under discharge of condition application RB2012/1245.

Reason

To ensure that the development can be properly drained.

18

Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

19

Surface water from vehicle parking and hardstanding areas shall be passed through a petrol interceptor of adequate capacity prior to discharge.

Reason

In the interest of satisfactory drainage.

20

The development shall be carried out in accordance with the approved flood evacuation plan agreed under discharge of condition application RB2014/0104.

Reason

In the interests of safety.

21

The access track off the proposed access road (bridge), which will allow the Dearne and Dove Internal Drainage Board to maintain Hound Hill Dyke, agreed under discharge of condition application RB2012/1233 shall then be implemented in accordance with these approved plans for the duration of the development.

Reason

In order to reduce the risk of flooding and so that the Hound Hill Dyke can be satisfactorily maintained in the future.

22

The development shall be carried out in accordance with the contamination scheme agreed under discharge of condition application RB2012/1243.

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.

23

Construction hours during the development phase shall only take place between 0700 to 1900 Monday to Sunday.

Reason

In the interests of amenity of the nearest residential properties and in accordance with the NPPF.

24

The development shall be carried out in accordance with the lighting details agreed under discharge of condition application RB2012/1244

Reason

In order to reduce the amount of light pollution and to protect neighbouring amenities and in accordance with the NPPF.

25

The development shall be carried out in accordance with the odour management plan agreed under discharge of condition application RB2012/1270.

Reason

In order to minimise the amount odour originating from the site and to protect neighbouring amenities and in accordance with the NPPF.

26

The development shall be carried out in accordance with the Site Management Plan (Permit Report agreed by Environment Agency as part of the permit) agreed under discharge of condition application RB2012/1270.

Reason

In order to minimise any future disamenity from litter and pests and in accordance with the NPPF.

27

Prior to the first occupation of the building, a Biodiversity Improvement Scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate how ecological enhancement and biodiversity gain will be delivered, including the engineering details of the replacement pond. The development shall then be carried out in accordance with the approved details.

Reason

In order to enhance the level of biodiversity and ecological gain and in accordance with the NPPF.

Informatives

a) RMBC Environmental Health - Noise

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'.

All vehicular access doors should be rapid closing and to be acoustically specified. Where practicable, door openings to the facility are to be kept closed. During the night time periods, appropriate site management procedures shall be implemented to minimise HGV and mobile plant movement where practicable.

Mobile plant used on site (e.g. fork lift trucks and front loaders) shall be fitted with broadband type reverse alarms.

Any safety checks, where practicable, should be carried out during non-sensitive times of the day with the exception of emergency situations.

The rating level of mechanical plant noise when measured at the nearest noise sensitive property, should not exceed the background sound level by more than 5dB.

Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

Any safety checks, where practicable, should be carried out during non-sensitive times of the day with the exception of emergency situations.

All vehicular access doors to be rapid closing and to be acoustically specified.

h) RMBC Environmental Health Officer

Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

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.