

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 21 NOVEMBER 2019**

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

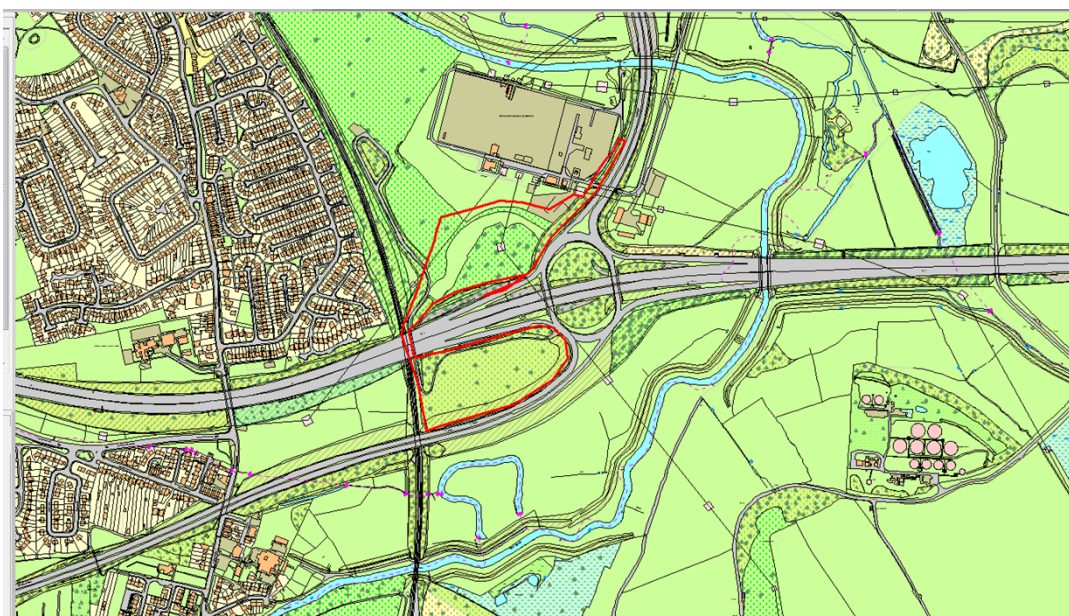
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## REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 21 NOVEMBER 2019

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

<b>Application Number</b>	<b>RB2017/1347</b>
<b>Proposal and Location</b>	Outline application for the formation of a proposed motorway service area with details of access (comprising main service station building, car fuel filling station, HGV amenity building, HGV fuel filling station, formation of car, coach and caravan parking areas and associated works) at land at Junction 33 M1 Motorway, Brinsworth, Rotherham, S60 5QZ
<b>Recommendation</b>	Grant conditionally



*This application is being presented to Planning Board as specified in the Council's Scheme of Delegation.*

### **Site Description & Location**

The application site comprises of 7.93 hectares of land situated to the north and south of the M1 motorway, immediately to the west of Junction 33.

The land south and east is predominantly rural and the land to the north and west is urban. The valley of the River Rother runs in a loop around the east of the site from south-west to north-east and smaller tributary streams flow into the River from the east. The valley is heavily influenced by the presence of

road infrastructure, road embankments and electrical infrastructure (pylons and a major substation).

To the north of the site lies a strip of greenfield land, beyond which, at a distance of circa 40m, lies a large electricity sub-station. Further north, at a distance of circa 450m, is Canklow Industrial Estate, beyond which lies a row of dwellings off West Bawtry Road. The main built up area of Rotherham is located circa 2.8km north of the site.

To the immediate east of the site is Catcliffe Roundabout and the A630 dual carriageway. Beyond this, the landscape is generally more rural in nature but is dominated by M1 road corridor, which runs directly east from junction 33 / Catcliffe Roundabout. The River Rother lies circa 400m to the east of the site. There is also a waste water treatment works circa 700m south east of the site. The southern tip of the Whiston residential area is located circa 630m north east of the site and the minor settlement of Guilthwaite is located circa 1.7km to the east.

To the immediate south of the site is the A630 Sheffield Parkway, beyond which is agricultural land and, at a distance of circa 280m, lies the River Rother. Beyond the river is further agricultural land before the settlement of Treeton, which is situated circa 670m to the south of the site boundary.

The main body of the site is bounded to the west by an operational railway line, beyond this to the North West lies residential properties in the Brinsworth area. Beyond the railway line to the south west is a field running up to Whitehill Lane.

The site is currently covered by a mixture of scrub vegetation and some areas of hardstanding including part of a site access, which was constructed in connection with the implementation of another planning consent on the site.

The northern section of the site is of an irregular, but broadly triangular shape, running east-west alongside the northern side of the M1. The southern section of the site is of a broadly oval shape running east-west alongside the southern side of the M1. The northern and southern sections of the site have variable topographies.

The only access to the site at present is via a gated slip road located off Catcliffe Roundabout on its eastern boundary.

The nearest residential properties to the site are located approximately 40m to the west of the site within Brinsworth. Other residential areas in close proximity to the site include Catcliffe (circa 360m to the west), Treeton (approximately 670m to the south) and Whiston (circa 630m to the north-east).

There are no public rights of way through the application site, but there are a series of public rights of way through the Rother Valley to the east and south of the site.

## **Background**

There has been a number of applications submitted relating to this site, the most relevant of which are detailed below:

RB1988/0456 – Outline application for hotel (approx. 200 bedrooms) conference & leisure facilities – Granted conditionally – 08/08/1991

RB1992/0295 – Outline application for a five storey 200 bed hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road with travel lodge, diner / restaurant, petrol filling station – Granted conditionally – 25/05/1994

RB1997/0572 – Outline application for a five storey 200 bedroom hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road, with travel lodge, diner / restaurant, petrol filling station, associated access parking and landscaping, and with access to adjacent switching station – Granted conditionally – 29/01/1998

RB2001/0015 – Application under Section 73 of the Town and Country Planning Act 1990, to vary standard condition (A) (period for submission of application for approval of reserved matters) of outline planning permission R97/0572, for a five storey 200 bedroom hotel with attendant conference and leisure facilities, 350 parking spaces, landscaping and access road, with travel lodge, diner / restaurant, petrol filling station, associated access parking and landscaping, and with access to adjacent switching station – Granted conditionally – 15/03/2001

RB2003/2200 – Details of the erection of a 5 storey hotel, a 3 storey hotel, petrol filling station and restaurant (matters reserved by R97/572P) – Granted conditionally – 28/10/2004

RB2005/0949 – Application under Section 73 of the Town & Country Planning Act 1990 to vary standard conditions (a) and condition 1 imposed by RB2001/0015 (Outline application for the erection of a five storey hotel, travel lodge, diner and petrol filling station) to allow later submission of reserved matters – Granted conditionally – 16/12/2005

RB2006/0153 – Details of the erection of a five storey hotel, a four storey hotel, a public house/restaurant and associated access, car parking and landscaping works (reserved by outline RB2005/949) – Granted conditionally – 11 May 2006

RB2006/0241 – Remodelling of land and landscaping works and formation of vehicular access – Granted conditionally – 11/05/2006

RB2007/1494 – Application for variation of condition 6 (landscaping scheme to be submitted prior to commencement of development) imposed by

RB2006/0241 to allow construction of access road prior to submission of landscape scheme – Granted conditionally – 27/09/2007

RB2007/1519 – Application for variation to Condition 1 (samples of material to be submitted prior to development) and Condition 2 (landscaping details to be submitted prior to development) imposed by RB2006/0153 to allow construction of access road prior to submission of material samples and landscaping scheme – Granted conditionally – 27/09/2007

RB2008/0741 – Details of the construction of access road (reserved by outline RB2005/0949) (Amendment to road layout approved under RB2006/0153) – Granted conditionally – 11/12/2008

RB2009/0757 – Application for variation to condition 7 (development of access road only in accordance with approved plans) imposed by RB2007/1494 to allow development in accordance with drawing 26783/041 Rev C approved under RB2008/0741REM – Granted conditionally – 24/09/2009

RB2013/0582 – Non-material amendment to application RB2005/0949 to remove condition 11 – Granted – 21/05/2013

Groundworks were carried out in relation to the construction of the access road and these works constituted the implementation of (i) planning permission (ref: RB2005/0949/VC) (ii) reserved matters consent (ref: RB2006/1519/VC) and (iii) full planning permission (ref: 2007/1494/VC). This was confirmed in a letter by the Council to Indigo Planning dated 12 March 2009. No works commenced in relation to the access to the site from the roundabout at Junction 33.

Accordingly, the aforementioned applications have commenced and are thus extant and can be fully implemented at any time in the future regardless of the outcome of this application.

### Screening Opinion

The proposed development constitutes Schedule 2 development under 10 (p) – Motorway Service Areas of the EIA Regulations 2017. The site is defined as previously undeveloped and would cover more than 5ha.

The principle of a Motorway Service Area on this site, given its existing land use allocation and the current extant permission, is considered acceptable. In addition given its distance to neighbouring residential / commercial premises and built-up areas, it is unlikely to have any significant adverse effect on neighbours in respect of noise and visual amenity. Moreover, issues such as traffic generation and air quality impact can be assessed adequately via appropriate reports that would be submitted with any application and these demonstrate that there would be only limited impact in terms of congestion and any associated indirect impacts (e.g. pollution) that may result.

It is considered that the proposal would not constitute EIA development.

Members should note that a Screening Direction was requested by EXTRA MSA who have an application for a MSA at J35 in Sheffield currently under determination and the Secretary of State agreed with the Council's analysis that this scheme is not EIA development.

## **Proposal**

The application is seeking outline permission for the formation of a proposed Motorway Service Area (MSA) with all matters reserved apart from access.

The MSA would be located to the west of junction 33 roundabout and would be split between the northern and southern sides of the M1, linked by an existing underpass beneath the motorway. The scheme comprises the following main elements and an indicative site layout plan has been submitted for reference:

- A main amenity building, with a gross external floor area of up to 4,300m<sup>2</sup>, containing hot and cold food offers, shop, lavatories, shower and seating / resting areas etc. (located to the south of the M1);
- A separate Amenity Building for HGV users, with a gross external floor area of up to 400m<sup>2</sup> (located to the north of the M1), with a walkway provided from the HGV amenity building to main amenity building;
- A Fuel Filling Station with 8 islands (16 filling points) for cars, vans and small commercial vehicles, which would be located immediately to the west of the main Amenity Building;
- Two separate stand-alone Fuel Filling Station for HGVs with 4 islands (5 filling points) and coaches. The former would be located north of the M1 and the latter, which is uncovered, would be located in the coach parking area to the south of the M1;
- Parking for up to c.454 cars (including spaces for disabled users), 67 HGVs, 14 coaches, 18 caravans (including spaces for disabled users), and 18 motorcycles. The parking provision would include electric vehicle charging stations. All parking would be free of charge for a minimum of 2 hours;
- An Abnormal Load Bay;
- Surface water drainage infrastructure;
- An on-site hard and soft landscape scheme, plus an off-site Habitat Enhancement Area; and
- Other associated infrastructure including fencing, lighting and signage etc.
- A new junction would be formed on the north-western quadrant of the Catcliffe Roundabout (M1 Junction 33) to provide access into the MSA. This junction would also be used by some HGVs exiting the MSA. The main egress would be via a slip road provided from the southern half of the MSA onto Sheffield Parkway / Catcliffe Roundabout (M1 Junction 33).

The MSA would be open 24 hours a day, for 365 days of the year, to meet the relevant requirements for an MSA, necessary to qualify for signage on the motorway network, as outlined in Appendix B of Department for Transport Circular 02/2013, which sets out policy on the provision, standards and eligibility for signing of roadside facilities on the strategic road network. Table B1 of the Circular sets out the minimum requirements for the signing of roadside facilities from the strategic road network.

The MSA would employ circa 300 staff and represent a circa £40 million investment. Working hours would be dependent on staff position / role, however there would be a significant number of employees operating on a 3 shift system. Shift changes would be timed to avoid peak hours on the local road network.

Access to the MSA is taken directly from the roundabout junction via the introduction of a new arm junction between the M1 Southbound off slip and Rotherway. This access will provide an entrance to the MSA for all traffic.

Exit from the MSA for the majority of traffic will be via a new access to Sheffield Parkway some 300m from the junction. This exit will create new traffic lanes on approach to the junction on Sheffield Parkway. The alternative exit from the site is via a new slip road to the A630 Rotherway with access to the motorway via the roundabout of A630 / A631.

This exit to Rotherway is only for the southbound HGV traffic, and will be signed as such, although this HGV traffic will also use the main exit from the facilities. The only constraint on this movement is the headroom clearance on the subway beneath the motorway connecting the two sides of the MSA. The headroom clearance of 5.1m minimum will accommodate the majority of the HGV traffic. In practice, it will only be abnormal loads that will be precluded from using this exit and need to exit via Rotherway.

The applicant has also provided detailed design drawings of various highway improvements adjacent to the site and on the immediate surrounding highway network, which includes:

- Upgrading of the signal junction arrangement, with entrance to the MSA directly from the junction with exit via A630 Sheffield Parkway.
- Amendments to the M1 southbound off slip road lane markings and extent of the taper to form the four-lane approach to the junction.
- An additional entry lane to the junction from M1 northbound diverge slip road to improve the entry capacity to the junction from this approach. Including 4 lanes at the roundabout.
- Additional circulatory lanes within the junction around the northern and southern parts of the junction to improve queuing capacity within the junction.
- Widening of the A630 Sheffield Parkway exit from the junction to allow a 3-lane exit from the junction. This 3-lane section to extend over some 230m; and

- Realignment of the A630 Sheffield Parkway to the junction to improve the entry radius geometry.

The application also provides a new service road to the National Grid pylon located to the north of the M1, adjacent the HGV parking area.

The development will be supported by a scheme of on-site hard and soft landscaping, vegetation within the corridors of the M1 and A630 would be largely retained, although there would be some loss of some existing tree cover north-west of junction 33 to accommodate the access road into the Site.

Earthworks would be required to be undertaken across the site to provide the necessary construction platform levels and to form the access roads into and out of the MSA. Retaining walls are proposed in a number of locations to facilitate the formation of the necessary construction platforms, minimise land take and protect existing infrastructure.

The development includes the enhancement of circa 8ha of land to the north of the HGV parking area and a Biodiversity Enhancement Plan would be produced at a later date. The applicant states they would work with Sheffield and Rotherham Wildlife Trust and the Council to identify opportunities for ecological enhancement.

It is proposed that the MSA site lighting scheme would comprise columns up to 12m in height which would contain LED luminaires.

In support of the application the following documents have been submitted:

#### Planning Statement

This document provides details of the site, the proposed scheme, need, planning history, policy context, and environmental effects and planning assessment.

An addendum to the original Planning Statement has been submitted dated October 2018 to make reference to the recently updated National Planning Policy Framework and the relevant policies of the recently adopted Rotherham Sites and Policies Document which supersedes the previous Unitary Development Plan.

#### Design and Access Statement

This document provides an overview of the site and surrounding area; history of the site; site constraints; adjacent land uses; levels; design principles; indicative plans; landscape details and various photos and montages of the site and proposed scheme.



## Statement of Community Involvement

The SCI provides details of the applicant's consultation event, press releases and letters issued to various stakeholders. It also provides a summary of comments received and the applicant's responses to the comments made.

## Landscape and Visual Impact Assessment

The LVIA considers the potential effects of the proposed development on the landscape. The LVIA identifies 8 viewpoint locations and has provided before and after photos with the buildings superimposed, it also provides a written response on the effects on the 8 viewpoints.

## Noise and Vibration

The Noise Report assesses the impact of the proposed development with regard to construction and operational noise and vibration. It describes the methods used to assess the impacts, the baseline conditions currently existing at the site and the potentially affected noise sensitive receptors. The potential direct and indirect impacts arising from the proposed development and where appropriate, mitigation measures required.

## Air Quality

The Air Quality Assessment considered the potential impacts associated with fugitive dust and vehicle exhaust emissions during the construction and operational phases of the project.

## Air Quality Assessment – Technical Note

This note was submitted in October 2019 as an update to the AQA submitted in 2017. It states that the 2017 AQA concluded that no unacceptable impacts had been identified on human health, amenity or ecology receptors due to emissions from additional traffic movement associated with the development.

The note states the proposed MSA would result in the diversion of a small percentage of the motorway traffic to and from the MSA and on the immediate local road network, but would not result in additional customer related vehicle movements on the M1 or the wider local road network. It further states from the traffic data the MSA is not predicated to result in any increases in traffic movements on either the identified stretch of A630 subject to EU annual limit exceedance or within the proposed Clean Air Zone (CAZ). As such the note concludes that the proposed MSA would not have any material implications on the proposals to meet compliance in the shortest possible time frame with the EU Limit Value for annual mean NO<sub>2</sub>.

Furthermore, the note looks at the proposed Parkway (A630) Widening Scheme, to increase the capacity of the A630 Parkway between the M1 J33 and the Catcliffe Interchange, lying circa 1.8km to the west of the MSA site.

The note states that the proposed MSA would deliver the first part of the widening scheme with the provision of 3 lanes on the A630 from the east of the MSA to and around J33, including works to the motorway slip roads, which are somewhat greater than would ordinarily be required to simply serve the MSA itself. The MSA would directly contribute towards the delivery of the widening scheme.

The note concludes that the proposed widening scheme would not be expected to have any material implications on the 2017 AQA, although it is noted that the MSA would make a material contribution towards the delivery of the widening scheme and the wider improvement works ensuring air quality benefits that should arise from it.

### Ecology and Nature Conservation

The assessment includes a data search and desk-top study; and extended Phase 1 habitat survey; and a breeding bird survey.

It notes that the site supports a range of habitats, reflecting its past history of disturbance, and range of variation in substrates. Important ecological features were identified including open mosaic priority habitat, hedgerows and a woodland / scrub / grassland mosaic. Plantation woodland to the north provides the potential for habitat enhancement measures to mitigate losses of open mosaic habitat and other features. Implementation of these measures would avoid any significant residual effects, and comply with national and local biodiversity planning policies.

Due to the initial Phase 1 habitat assessment being more than 2 years old and in accordance with The Chartered Institute of Ecology and Environmental Management (CIEEM) guidance issued this year in respect of the lifespan of ecological report, the applicant's ecologist carried out a walkover survey in October 2019.

The survey works found there were no significant changes in the spatial disposition of habitats on site since the 2017 surveys. No signs of protected species were identified on site, and the risk of protected species occupying the site since the previous assessment has not changed since the earlier survey. There are no apparent changes in the wider context of the site which would lead to any appreciable change in its conservation status, and the potential for ecological mitigation on land identified for that purpose remains the same.

No substantive changes have been identified which would require any alteration to the conclusions of the Ecological Assessment report compiled in 2017.

### Ground Conditions (including Contamination)

The report provides information on Environmental Risk Assessment, Geotechnical Design; and Site Investigations.

The report indicates there are potential sources of contaminants on the site and on the adjacent site and minimal remediation will be required due to chemical contaminants but ground gas protection measures could be required.

The report also notes associated coal mining at the site is considered to be low. Although there is a small area in the southwestern part of the northern area is designated as a Development High Risk Area by the Coal Authority.

Intrusive site investigations will be required in terms of chemical contamination together with Phase 2 site investigations for geotechnical design. The study indicates that particularly difficult ground conditions are not expected. Standard construction and remediation techniques would be capable of satisfactorily dealing with any limitations passed by ground conditions at the site and a Phase 2 can be carried out after outline planning permission has been determined.

### Socio-economic Assessment

The assessment concludes that the proposed development would have the potential to result in significant beneficial effects on construction employment within the area. Whilst effects would be temporary, there would be a positive influence upon the continued viability of a range of contractor companies and their employees, as well of other businesses forming part of the supply chain. This would be of general benefit to the wider economy.

It further concludes that once operational the proposed development would directly create approximately 300 jobs. A further 63 jobs are likely to be created or supported by indirect or induced expenditure. Once the effects of displacement and leakage are considered, it is estimated that within the area approximately 259 jobs would be supported directly or indirectly. This would add an estimated £4.75 million to the economy of the area each year.

### Flood Risk Assessment

The FRA states that the proposed development may be completed without conflicting with the requirements of the NPPF subject to the following:

- Finished floor levels to be set at a minimum of 30.44m AOD
- Finished floor levels to be set 0.15m above adjacent ground levels
- The detailed drainage design, developed in accordance with the principles set down in this FRA and the accompanying Drainage Strategy Report and Proposals document, should be submitted to and approved by the local planning authority prior to the commencement of development

### Lighting Design and Assessment

The assessment concludes that the proposed development will be compliant with the Institute of Lighting Professionals (ILP) (2011) Guidance Notes for the Reduction of Obtrusive Light (the 'ILP Guidance Notes'). Specifically, the assessed Outline Scheme of Lighting associated with the Proposed Development is compliant with the obtrusive light criteria as set out for ILP Environmental Zone E3.

### Arboricultural Report

The tree survey revealed a total of 28 items of vegetation (6 individual trees and 22 groups of trees). Of these, 6 groups were identified as retention category 'B' and 6 trees and 16 groups were identified as retention category 'C'.

The trees surveyed were generally found to be in a good condition. None of them are protected by a Tree Preservation Order or by virtue of them being in a Conservation Area. Given the outline nature of the application only general design advice has been provided and upon provision of specific proposals, site-specific advice can be given with the regards to impact on trees.

### Transport Statement

A revised and updated Transport Assessment has been submitted by RPS, dated 12 October 2018.

The revised TA has been submitted following ongoing discussions with Highways England and RMBC Highways Engineers, where it was agreed with the Highway Authorities that further modelling of the junction should be undertaken to assess the impact of the development associated with the likely increases in traffic within the local area of this junction. This further modelling has led to additional measures being considered to improve the overall junction performance. Such measures and improvements have been assessed on the basis of parameters for the junction, which are agreed with Highways England and RMBC.

The revised TA has been prepared which seeks to address the various issues raised in relation to the application and provide a new comprehensive assessment of the development. Furthermore, the revised TA takes on board the various comments received by both RMBC and HE, and covers the amendments made to the junction to reflect this further assessment, as well as providing responses to the various representations made to the application by other parties.

The revised TA takes account of the following:

- The updated traffic flow data available in this location following the implementation of SMART motorways on the M1 and related to likely increases in traffic within the local area;
- The assessment of the proposals within the Transyt and Vissim Models which WSP have prepared for RMBC associated with the Sheffield City Region Investment Fund;
- Issues raised over the junction improvement measures and an assessment of these in the context of the Design Manual for Roads and Bridges;
- The assessment of parking within the MSA;
- The movement of traffic within the MSA, access to the parking areas and the connections to and from the MSA to Junction 33; and
- The revised Road Safety Audit of the amended scheme.

The revised TA concludes the following:

- The site meets the requirements of DfT Circular 02/13 and provides the best location for a new MSA on this section of the M1.
- The provision of such facilities not only serves to fill the existing M1 gap but also addresses the gaps on the motorway between the M1 and M18 / A1 (M).
- The proposed measures to provide access to the MSA and mitigate the effect of the development traffic, are considered to have been robustly assessed in the context of the baseline traffic flows adopted and also in the context of the turn in rates applied.
- In the context of the NPPF, the measures proposed provide safe and suitable access to the MSA and that there is not an unacceptable impact on highway safety as a consequence of the development.
- The residual cumulative impact of the development is not severe in the context of the NPPF. In fact, the overall assessment of the development shows that the mitigation proposed offers a positive benefit to the junction.

#### Addendum to the Updated Transport Assessment Report (Revised July 2019)

In the light of the comments provided by the RSA team further consideration was given to the form of the exit from the MSA to Sheffield Parkway. These concerns related to the safety of traffic in the context of the merging traffic from the MSA to access lanes 3 and 4 of Sheffield Parkway for access to M1 southbound at peak times when Sheffield Parkway was congested with queuing on approach to the M1 junction. Equally the safety concern relates to the effect of the traffic exiting the MSA in off peak periods when the speeds of traffic on Sheffield Parkway may be higher on approach to the signal junction.

To address these concerns, it was agreed that consideration should be given to signalling the exit from the MSA to Sheffield Parkway and effectively control the level of traffic exiting the MSA onto Sheffield Parkway.

This Addendum Report therefore considers these amendments to the scheme and provides the necessary assessments of the junction including the signalised exit which has been undertaken using the microsimulation model. In all other aspects of the assessment the scheme remains the same as previously assessed including the various traffic flows, MSA traffic and design years etc.

In providing this Addendum the report seeks to address matters raised by the Council and Highways England together with any third-party representations.

#### Applicant's Response to Stage 1 Road Safety Audit – amended 28<sup>th</sup> August 2018

The initial report was provided in response to the Stage 1 Road Safety Audit, undertaken by Road Safety Initiatives LLP.

The report stated that where a safety audit recommendation is accepted it details the actions proposed to comply with the recommendations and references how this can be incorporated at the detailed technical approval stage on a revised drawing. In addition, where a safety audit recommendation is rejected the report details the justification for rejection.

The report is regarded as the formal Safety Audit Exception Response.

A revised Technical Note was submitted on 28<sup>th</sup> August 2019 which has been prepared to address the matters raised by the Council and Highways England in the context of the Updated Designers Response to the Stage 1 Road Safety Audit (17<sup>th</sup> July 2019).

The Updated Designers Response to the RSA (July 2019) was prepared following receipt of the WSP note (14<sup>th</sup> June 2019) which had assessed the previous version of the Designers Response submitted in March 2019. Subsequent to the submission of that document, matters remained outstanding as identified by RMBC and HE.

This note addresses those outstanding matters raised, references these to the WSP report and Updated Designer's Response (UDR) and provides further clarification on the matters raised and relates to the most recent set of detailed drawings which include a shaded green area to demonstrate the visibility envelope within the junction which was to be kept clear of vegetation to allow the necessary forward sight stopping distance to the various traffic signals within the junction.

In summary, it is considered that the outstanding matters raised from the RSA stage 1 are addressed through this revised technical note and the updated detailed drawings.

#### **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is partially allocated for mixed use and partially allocated for Green Belt purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS4 'Green Belt'  
CS12 'Managing Change in Rotherham's Retail and Service Centres'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS15 'Key Routes and the Strategic Road Network'  
CS19 'Green Infrastructure'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscape'  
CS25 'Dealing with Flood Risk'  
CS26 'Minerals'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS31 'Mixed Use Areas'  
SP2 'Development in the Green Belt'  
SP23 'Out-of-Centre Retail Parks and Other Out-of-Centre Developments'  
SP26 'Sustainable Transport for Development'  
SP28 'Development Affecting Key Routes and the Strategic Road Network'  
SP30 'Motorway Service Areas'  
SP32 'Green Infrastructure and Landscape'  
SP33 'Conserving and Enhancing the Natural Environment'  
SP47 'Understanding and Managing Flood Risk and Drainage'  
SP52 'Pollution Control'  
SP54 'Contaminated and Unstable Land'  
SP55 'Design Principles'  
SP56 'Car Parking Layout'  
SP57 'Sustainable Construction'  
SP65 'Development within Mixed Use Areas'

## **Other Material Considerations**

National Planning Practice Guidance (NPPG)

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

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

In addition to the above regard shall be had to The Traffic Signs Regulations and General Directions 2016 and Department for Transport Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'.

## **Publicity**

The application was originally advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. The application was advertised as a departure from the Local Plan due to part of the site being in the Green Belt. 23 letters of representation have been received from local residents, business, business groups and Parish Council. In addition a petition of 87 signatures has also been submitted, objecting to the application.

21 letters received are objecting to the application on the following grounds:

- The proposal will cause a detrimental effect on the health of local residents from a number of environmental factors (including noise, light and exhaust fumes).
- The proposal will result in traffic congestion in the local area.
- The area doesn't need a MSA and there is no justification for it.
- The development will adversely affect the landscape.
- The suggested route of re-entry to the motorway at either side of the parkway would bring extra traffic to the roundabout which is already stood or moving slowly at peak times.
- Why do we need another service station? There are 3 within a mile of Junction 33 towards Brinsworth and 1 just past junction 32.
- The site is known for flooding.
- House prices will dramatically drop in the area.
- The proposal will impact on the delivery of Waverley New Community. Highfield Commercial, the Advanced Manufacturing Park and the wider aims and aspirations of the AMID and Rotherham's Local Plan.
- The application presents an issue in terms of potential highways effects at J33 of the M1 which has limited capacity and scheme will significantly reduce capacity at the junction and will limit economic development and job growth in an important and growing sector.
- The MSA access strategy should not have a degrading impact on the business case submitted to DfT for improvements to the Parkway by Sheffield City Region and will need to be complimentary to the SCRIF scheme or alternatively demonstrate the ability to enhance the junction in relation to its capacity.
- The existing Road Safety Audits (Appendix N to Transport Assessment) demonstrate a number of fundamental deficiencies in the design, including the width of the underpass and weaving / junction layout.



- There appears to have been a failure to fully consult with Sheffield Council during the preparation of both the TA and AQA.
- Both the TA and AQA fail to identify which committed developments have been taken account of.

Three objection letters have also been received on behalf of Extra MSA Group who are the applicants for a MSA at J35 Smithy Wood in Sheffield which has been with Sheffield Council since 2014 and remains underdetermined. The issues raised in the two letters are summarised below:

- Extra MSA raised serious concerns relating to the deliverability of the site as a MSA through the Rotherham Sites and Policies Local Plan process. The Inspector concluded that the Junction 33 site should not be allocated in the emerging Local Plan for MSA use.
- Examination of the application documentation indicates that little has changed since the indicative plans were put before the Inspector.
- J33 is not a viable or deliverable location for an MSA. Extra MSA examined the site in detail prior to submitting its own application at J35 and 'ruled out' this site for the following reasons:
  - It is not possible to design a safe and satisfactory access to the site; and
  - The various internal site and other physical constraints, primarily relating to the narrow and low underpass connecting the two parts of the site, mean that it is not possible to design a safe and properly functioning layout for MSA use, compliant with DfT Circular 02/13.
- A summary briefing note, prepared by David Tucker Associates, which explains these concerns in more detail has been submitted and can be viewed on the Council's website.
- Locating a new MSA facility at J33 would seriously impede the ongoing development of the regionally significant Advanced Manufacturing Innovation District by consuming much needed Junction capacity that could otherwise be used by 'higher value' developments.
- Based upon surveys of traffic flows at other MSAs across the Motorway Network, it is likely that somewhere between 15 – 20,000 additional traffic movements per day would be added to this Junction.
- The amount of additional traffic would have a significant adverse, impact on the capacity and functioning of this strategically important Junction.
- The Policy response dated 10 July appears to take no heed of the evidence considered by the Inspector at the hearings.
- Policy SP67 states that: "Where other uses not identified as acceptable are proposed within Mixed Use Areas, they will be considered on their merit". At this stage there is insufficient information on which to reach a conclusion regarding the merits of the application.
- The impact of the proposal on the highway network is not acceptable.
- We struggle to see how the Policy team reached the conclusion that subject to the views of other colleagues regarding specific issues and

to the Council being satisfied that relevant policies can be satisfied, then I have no objections to this development in principle.

- There is nothing to indicate that fundamental concerns as expressed by Highways England, Extra and other significant 'stakeholders' are capable of being appropriately addressed.

Brinsworth Parish Council has commented on the scheme, they have raised an objection for the following reasons:

- The traffic congestion at an already busy junction will have a detrimental effect on the surrounding highway network.
- The proposal will make issues worse for local residents in respect of noise, light and air pollution.
- The proposal will impact on the safety and wellbeing of local wildlife.

2 of the letters received are in support of the application for the following reasons:

- This is a good opportunity to bring much needed jobs to the local area.
- This will have a positive impact on the town in terms of reputation and economically

On receipt of amended / additional highway information and given the amount of time since the original round of public consultation took place, further letters were sent out in October 2018 to all previous objectors / supporters who had sent a letter in, informing them of the amended information and to request any further comments. Local ward members, the leader of the Council and the Cabinet Member for Regeneration were also informed.

A further 13 letters of objection have been received, 9 of which were from people / organisations who had commented previously, the majority of the comments received were similar to the ones previously received, which related to highway and environmental impacts. Additional comments are summarised below:

- This may result in businesses going out of business.
- This has the possibility of curtailing developments in the business parks which is strategically detrimental to our future economic success.
- It appears that the traffic modelling in the TA, has not specifically added the Advanced Manufacturing Innovation District (AMID) development to the model. This is a significant concern.
- Whilst we are firmly of the view that a safety and welfare need exists for a new MSA on this part of the network that need should be met in a location that can accommodate the additional traffic without prejudice to the future economic growth of the area in which it is located.
- It is critical that an MSA located at this junction does not have a degrading impact on the business case.

- Until proper capacity testing is undertaken, which reflects amongst other things a realistic number of additional movements (including those from AMID), it will not be known whether the improvements proposed will offset the impacts of the additional MSA related traffic on this junction and the surrounding area.
- The proposal has the potential to limit the delivery of a regionally important development, in turn potentially limiting job growth in an important and growing sector of the economy.
- A study carried out by Oxford Economics in 2014 of the economic impact of the University of Sheffield and associated developments at the Sheffield Business Park site owned by the University, outlined the potential future impact as follows:  
*“Moreover, under more realistic and holistic assumptions we estimate that the additional construction investment could directly yield £74.2 million in GVA supporting 1,881 jobs. These figures rise to between £9.25 – 223.5 million and between 2,267 – 4,571 jobs inclusive of indirect and induced effects. Operational effects would be similarly buoyed. We estimate a direct annual contribution to GVA of £95.6 million and 1,664 jobs with a total impact of £118.1 – 217.9 million and 2,199 – 4,337 jobs.”*
- This proposal would severely limit the potential and opportunity for future significant investments of this type, because of its impact on what is already a congested junction, and we believe that to prioritise a MSA over the opportunity to transform our regional economy would be very damaging.
- There are other more suitable sites.
- The site is not viable or deliverable location for a MSA.
- The narrow lanes could lead to side-swipe accidents occurring which is a clearly safety issue. Lane widening is recommended.
- Issues regarding the presumed merging / weave distances used.
- The proposals at present do not provide an acceptable solution to accommodate all vehicles using the site.
- The safety issues highlight deliverability issues.

One of the letters received was a further letter of objection from the planning agents acting on behalf of Extra MSA. The comments received are summarised below:

- The additional information recently submitted does little to allay our previous concerns and continues to present a flawed position with regard to the impact of the development on the highway network at and around J33.
- J33 is confirmed to be operating well over capacity.
- The improvements proposed do not make the scheme acceptable.
- The whole purpose of a MSA is to support the safety and welfare of the travelling public and it clearly cannot properly do this if the Junction which provides access is severely congested as a result of a lack of capacity.

- The Turn in Rates in the TA significantly underestimates demand. The Sensitivity Test of 6% Turn in Rate should be taken as a base case not a Sensitivity Test. The only way that 'Turn in Rates' would be as low as 3.5% is if drivers were put off from using the facility due to congestion at the Junction. This under-estimate has a significant knock on effect on other assessments.
- The micro-simulation modelling provided in the TA (Table 6.4) shows that taking the Sensitivity Test (Scenario B) conditions will be worse as a result of the development. The increase in delay is forecast at 5s per vehicle. Given the flow through the Junction this is a significant increase and represents a 4% overall increase in delay.
- The Rotherway Roundabout is similarly shown to be over capacity (with no assessment based on Sensitivity Flow). No details of any proposals to mitigate this are provided.
- Turning to Committed Development, the TA confirms (Para 6.2) that growth rates have been agreed with HE and RMBC. Review of Appendix E suggests around 16.1% growth has been applied, which is consistent with Temprow growth rate as set out in Table 2.3. However it does not appear that the AMID development has been specifically added to the model. This is a fundamental omission.
- The Stage 1 Road Safety Audit refers to having been prepared in accordance with a Road Safety Audit Brief which has not been submitted. It is stated that the RSA team were advised there were no Departures from Standard. We question the accuracy of this statement and if it is found to be incorrect, then the RSA should be revisited.
- There appears to be no WHCAR report and as such the audit has not been undertaken in accordance with the requirements of HD19/15. The list of documents referred to in Appendix A refers only to the scheme plan and as such confirmation is needed that the Auditors have had sight of the Transport Assessment and accompanying assessments of traffic impacts.
- There remain significant outstanding issues on the RSA. There are also changes proposed in the RSA response to the lane markings. This will require the assumptions in the traffic modelling with regards to lane usage to be revisited and place further doubt on the acceptability of the submitted modelling.
- The draft updated TA (published in August) included a flawed assessment of the exit merge onto the A630. That same assessment is now provided in its final form as Appendix D of the RSA response. It appears that the assessment is predicated on opening year flows, although the numbers do not directly correlate with those provided at Appendix N (which is significantly higher).
- The weaving assessment appears to forecast 120 and 145 vehicles leaving the site to travel M1 South Bound in the AM and PM Peaks respectively. That represents 40% of 2018 forecast flows. There is no assessment of 2030 flows or indeed the Sensitivity Test flows. Adding this (40% of 593) to the 16.1% growth to the figures provides weaving flow of around 2,250. This assumes that the TEMPRO growth properly takes account of proposed growth in the area. Clearly if it does not, the requirement will be even higher. A weaving flow of 2,250 gives a

requirement for a weaving length of at least 320m, based on Table 4.14. The RSA response also applies an arbitrary reduction to recorded speeds to seek to justify a reduction in the weaving length. Whilst this is clearly inappropriate the assessment requires in any event the “greater of the two lengths” to be selected.

- The RSA does not consider the internal layout despite this being requested by RMBC.

One objection was received from Cllr Nigel Simpson of Brinsworth and Catcliffe Ward. The issues raised are summarised below:

- This is/should be a prestigious “first impression” entrance to Rotherham where the immediate landscape panorama is of greenery and important woodland, which the Government has recently decided to add “the forest of the North”.
- J33 is reasonably smooth flowing at the best of times but the slightest problem on the M1 the M18 and rush “hour” from 7:30 - 9 & 4 - 6 pm causes almost immediate back up and virtual gridlock to surrounding arterial roads.
- Any vehicle accident or road works will cause almost back to back queuing - again not good for a Rotherham’s new image for visitors or residents.
- However the area is eventually landscaped the site would be a scar on the landscape.
- The M1 itself has become a smart motorway that along with general heightened flows of all day traffic has already increased to a continuous stream of noise - this will be exacerbated by large trucks increasing their speed as they go through noisier lower gears.
- A close by Brinsworth housing application was turned down partly due, it is said, by pollution from the M1.
- Catcliffe and Brinsworth are one of the most polluted areas of Rotherham.
- “300 jobs” have been suggested to be created but these will be a majority of very low skilled 3 shift rota jobs that local residents and Rotherham will, in general, not see as not beneficial for a better future.
- There is no direct or circular bus route envisaged so that would mean up to 900 car journeys per day from outsiders.
- Add this to traffic from new housing at Waverley and Brinsworth would mean at least 4,000 journeys around junction 33/Rotherway/Parkway despite the expected tram/train.

An objection from Cllr Adam Carter of Brinsworth and Catcliffe Ward was received to the second round of consultation, the issues raised are summarised below:

- Increase in air pollution in an already heavily polluted area.
- The motorway junction is already at capacity, with congestion a major problem on this route.

- The proposed lorry park and the consequent number of heavy goods vehicles using the junction is a real worry as I don't believe that the motorway roundabout lane structure is suitable for lots of HGVs due to the turning angles making the likelihood of straddling lanes worrying. The plans brought forward by the applicant do not I believe counter this sufficiently.
- There are massive queues from Rotherham to the Rotherway roundabout at peak times. The proposed exit of the lorry park onto Rotherway would only contribute to this, having a massive impact on this already congested junction.
- The additional noise and light caused by the service station would be a detriment to local residents.

On receipt of further amended / additional highway information, further letters were sent out on 22 July 2019 to all previous objectors / supporters who had sent a letter in, informing them of the amended information and to request any further comments. Local ward members, the leader of the Council and the Cabinet Member for Regeneration were also informed.

A further 27 letters have been received, 13 of which were from people / organisations who had commented previously, the majority of issues raised in these letters have been raised previously in respect of highway, environmental and ecological impact, highway safety, the MSA not being required and impact on house prices. There were also additional comments which are summarised as:

- Lack of transparency in respect of the committed developments assessed as part of the Transport Assessment and its subsequent Addendum.
- The TA doesn't present an analysis of queues or delays at the new MSA exit junction or discuss its interaction between J33 and the new junction.
- There is no TRANSYT link diagram.
- Concerns with respect to the highway impact on other developments in the area.
- Impact on the future potential and success of the AMID and could prejudice other committed schemes.
- The proposed MSA will only provide a limited amount of low skilled jobs, yet will prejudice the AMID's ability to bring high skilled jobs in the key sector of advanced manufacturing.
- No specific consideration has been given to the matters raised by Sheffield Business Park to date and no specific reference has been made to the inclusion of Sheffield Business Park Phase 4 as a committed scheme in undertaking any Transport Assessment.
- There are questions in relation to the completeness of the Transport Assessment of impact on air quality – a matter which is particularly important in light of Sheffield and Rotherham containing locations where the annual average concentrations of Nitrogen Dioxide (NO<sub>2</sub>)

exceed statutory limits and are projected to continue to do so for a number of years.

- Sheffield Business Park maintains its objection and continues to have significant concerns that the proposed development would undermine the Park and, potentially the wider AMID, and the ability to secure inward investment and job growth to Rotherham and the wider Sheffield City Region.
- Given the importance of the advanced manufacturing cluster to the Sheffield City Region and the significant productivity gap prevalent across the City Region, Sheffield Business Park would urge the Council to carefully consider the matters.

One of the letters received supported the scheme and stated:

- The Service Station is required on this stretch of the M1.
- The site is unusable for anything else so it should be put to use.

A further letter of objection has been received from the planning agents acting on behalf of Extra MSA. The comments received are similar to those previously received in that they question the viability and deliverability of a MSA at this site, access issues, impact on highway network, trip rates and growth assumptions. Additional comment are summarised below:

- The modelling concludes that the junction will be significantly over capacity in the future, but the TA considers it is appropriate to apply the C02/1 testing of 'no worse off'. This is only an acceptable approach for commercial development and MSAs are a distinctive type of development and their primary function is to support the safety and welfare of the road user, therefore the 'no worse off' approach goes significantly against the safety benefits of providing a MSA as, if the junction is congested, road users will simply not use the MSA.
- There is no assessment of the development at peak periods (lunchtime) which is a significant omission.
- Stakeholders have raised significant concerns regarding the impacts of the proposed development on the Advanced Manufacturing Innovation District (AMID).
- The Road Safety Audit raises two issues:
  - a) the splay for the approach to the MSA exit cuts through the railway bridge parapet, which demonstrates the scheme is not deliverable; and
  - b) the three problems raised which the RSA recommends alternative solutions appear to have not been accepted by the Applicant's Design Team and reference is made to dealing with these at detailed design stage. It is not sufficient to allow this fundamental matter to be dealt with at detailed design stage as it goes wholly to the delivery of the scheme and should be addressed now.

A further letter has been received dated 4 November from the planning agents acting on behalf of Extra MSA. Additional comment on the basis of additional information are summarised below:

- Whilst we note that the Transport Assessment (TA) has included an assessment based on a Turn in Rate of 3.5% and has applied a 'sensitivity test' at 6%. It remains our position that a Turn in Rate of 6% should be applied as the base case for assessment purposes.
- The detailed model results show different and apparently contradictory results as outlined below:
  - The junction is modelled in two different software packages. The Transty analysis as summarised in the TA shows a worsening in the PM peak for 2030 between do nothing and Scenario 6 (6%). However, Appendix C doesn't include the Base case model runs so it is neither possible to confirm those results nor to understand in detail what the resultant impact would be on different arms of the junction.
  - Appendix E Summarises the microsimulation results on the basis of average results over two peak periods. This is not acceptable. In the detail, Table 2 provides the AM Peak results and shows that Scenario B (6%) performs worse than base case in both time periods (2018 and 2023) and, consequently, the planning application proposals do not meet the test of paragraph 34 of DfT Circular 02/2013 which requires, *"Where insufficient capacity exists to provide for overall forecast demand at the time of opening, the impact of the development will be mitigated to ensure that at that time, the strategic road network is able to accommodate existing and development generated traffic."*
- The TA continues to assess prescribed AM and PM Peak hours. Nonetheless, there is no assessment within the TA to demonstrate that these are the peak hours in terms of impact on the road network.
- We contend that no reasonable local planning authority would rely on such a partial assessment of peak flows uninformed by any prior analysis of peak flows and the application of realistic turn in rates at lunchtime and between 1600 and 1700 hours, which should by any reasonable analysis constitute the real (underlined for emphasis) PM peak. In light of these failings, further information must be sought from the applicant to inform proper analysis of the impacts of the proposed MSA before the application proposals are presented for determination by the Council's Planning Board.
- The scheme of works for the proposed MSA would be on an extremely traffic sensitive and constrained part of the strategic highway network with a significant number of existing Departures from Standard.
- Physical constraints include substantial embankments, existing structures, rail lines, overhead power cables and pylons, Green Belt, Flood Plain as well as third party land beyond the application site boundary. Our review of the layout confirms that there will potentially be as many as a dozen further Departures from Standard, which will



only become clear once the detailed design for the MSA has been completed.

- Notwithstanding the position reached by the Highway Authority to date in considering these outline scheme proposals, there remains significant doubt that even if these application proposals are approved, the scheme could not and would not be implemented.
- If for any reason the MSA is incapable of being delivered the “gap” in MSA provision would remain unfilled with all the attendant risks to highway safety on this part of the strategic road network. The complexity of the MSA scheme is such that detailed assurance should be provided now that all potential departures have been identified and can be addressed before the planning application proposals are determined.
- The full potential of AMID has not been addressed by the applicant and it is far from clear that all committed and planned developments (i.e. those with planning permission as well as those that are subject to development plan allocations) have been assessed in consideration of Applegreen’s planning application proposals.
- The AQA makes no reference to the predicted impact of vehicle emissions from queueing vehicles within the proposed Sheffield and Rotherham Clean Air Zone (CAZ), notwithstanding the fact that the applicant’s own Transport Assessment predicts that queue lengths of 2000 metres (2km) will be suffered in its proposed ‘PM Peak’ on the Parkway (A630) by 2030.

A further letter was also received from Cllr Nigel Simpson of Brinsworth and Catcliffe Ward. In addition to his previous comments, the following issues have also been raised:

- The proposal would add high level 24 hour light pollution to the area.
- The area has been subject to high levels of noise and air pollution and this will only increase with this application.
- The additional lengths of traffic that leave and rejoin the motorway at junction 33 will result in higher emissions due to them being in low gears.
- Will result in adverse impact on the surrounding highway network.

Waverley Community Council has responded to the revised details and their comments are summarised as:

- Adverse impact on traffic, resulting in further congestion.
- Impact on the already poor air quality.

At the time of writing this report two right to speak requests have been received from an objector and the applicant.

## **Consultations**

RMBC – Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Lighting Engineer: The proposal is compliant with current ILP guidance with regard lighting design and lighting control.

RMBC – Landscape Design: No objections subject to conditions.

RMBC – Drainage: No objections.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Tree Service Manager: No objections subject to conditions.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Air Quality: No objections.

RMBC – Ecologist: No objections subject to conditions.

Highways England: No objections subject to conditions.

National Grid: No objections.

Cadent Gas Network: The contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

South Yorkshire Archaeological Service: There are no archaeological implications and no requirements in terms of archaeological conditions, should consent be granted.

South Yorkshire Fire and Rescue: No objections.

South Yorkshire Police Architectural Liaison Officer: Have provided recommendations on how to achieve Secured by Design.

Environment Agency: No objections.

Yorkshire Water: No objections subject to conditions.

Network Rail: No objection subject to conditions.

The Wildlife Trust for Sheffield and Rotherham: Do not believe a MSA is necessary. However, a development on this site would be less ecologically damaging than the J35 application currently with Sheffield. Therefore, they are neither objecting nor supporting this application, but have recommended that a Bat and Badger survey be undertaken.

The Coal Authority: No objections subject to conditions.

## **Appraisal**

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

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

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

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

- The principle of the development (inc. highway need, main town centre uses, green belt)
- Impact on visual amenity (inc. design and appearance)
- Highway implications
- Impact on amenity
- Landscape implications (inc. trees)
- Ecological implications
- Flood Risk and Drainage
- Air Quality
- Ground conditions
- Other considerations

## **Principle of development**

This motorway services area proposal is submitted as an outline planning application with all matters reserved other than the means of access reserved.

The site is mainly located within an area allocated for mixed use purposes within the Council's adopted Local Plan, although a small section of the site is located within the Green Belt as detailed on the Policies Map of the Local Plan. Accordingly, the proposal will be assessed against both land use allocations.

## **Mixed Use**

All the built form and hardstanding areas on both sides of the site are sited within a mixed use area. The adopted Local Plan identifies this mixed use area as MU14 (Junction 33 M1).

Policy CS31 'Mixed Use Areas' states that: *"Within Mixed Use Areas to be shown on the Policies Map accompanying the Sites and Policies document, a variety of land uses will be acceptable. The particular uses appropriate to each area and any limitations or requirements pertaining to these uses or their location will be set out in the Sites and Policies document."*

Policy SP65 'Development within Mixed Use Areas' states: *"In Mixed Use Areas, as defined on the Policies Map, new development or change of use will be permitted where it complies with the menu of acceptable uses for that area as set out in Table 18 'Acceptable Uses within Mixed Use Areas' and meets the requirements of other planning policy as appropriate. Where other uses are not identified as acceptable are proposed within Mixed Use Areas, they will be considered on their merit."*

Table 18 indicates the acceptable uses in this particular area as C1 and A3 restaurant, A4 drinking establishment, sui generis car park, sui generis petrol filling station. The list of uses is akin to the uses approved in the extant permissions. It also states in an annotation that:

*"In the event that the extant permitted scheme does not proceed then alternative proposals will be assessed against relevant Local Plan policies and a full Transport Assessment will be required that demonstrates that any committed schemes are sufficient to deal with the additional demand generated by the site. Where committed schemes will not provide sufficient capacity or where Highways England does not have committed investment, development may need to deliver or contribute to additional schemes identified by Highways England."*

Whilst the Local Plan does not identify an MSA as appropriate within this mixed use area, policy SP65 states: *"Where other uses are not identified as acceptable are proposed within Mixed Use Areas, they will be considered on their merit."*

The application would therefore need to be considered against policy SP30 'Motorway Service Areas' which states: *"The Council will consider proposals for the establishment of additional Motorway Service Areas to meet clearly identified and evidenced needs of motorway travellers in accordance with Circular 02/2013 or any subsequent replacement, and in the light of Policy SP2 'Development in the Green Belt' and subject to other provisions of the Local Plan to mitigate the impact of development on the local highway network, landscape, ecological resources, heritage resources and local amenity."*

*In considering uses in addition to the minimum mandatory requirements for signed Motorway Service Areas as set out in Circular 02/2013 or any subsequent replacement, regard will be had to the primary function of roadside facilities which is to support the safety and welfare of the road user. A Motorway Service Area should not be a destination in its own right."*

*Proposals for services should include sustainable refuelling infrastructure.”*

It is considered that from a land use perspective the use of the site for an MSA would be acceptable subject to the requirements of other relevant planning policies being satisfied.

### Green Belt

The access road would lie within the Green Belt. It is also of note that the existing access to serve the extant permitted development on site runs through the Green Belt. In order to create a suitable access it is noted that the land required is likely to be within the Green Belt, but as the access is materially different to the extant permission the new access in the Green Belt will be considered on its own merits against the relevant Green Belt policy.

Policy CS4 ‘Green Belt’ states: *“Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy.”*

Policy SP2 ‘Development in the Green Belt’ states: *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In considering planning applications for new development...regard will be had to the following factors: the size, scale, volume, height, massing, position, lighting and any proposed enclosures of the proposals; or screen banks.”* It further states: *“All new buildings should be well-related to existing buildings, where relevant, and should be of a size commensurate with the established functional requirement...”*

Paragraph 146 of the NPPF states: *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land...and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

The applicant argues that the proposed access road constitutes *“local transport infrastructure”* as referred to in paragraph 146 of the NPPF. A legal opinion obtained by the Council states it is very unlikely that parts of the proposal to be located on the Green Belt land constitute *“local transport infrastructure”* under the third bullet point of paragraph 146. However, it is possible (although case law on this is limited), that building access roads of the nature described could constitute *“engineering operations”*, which is the

second bullet point in paragraph 146 and defined as including *“the formation or laying out of means of access to highways”*; at s336 of The Town and Country Planning Act 1990.

The applicant also states that given the scale, nature and location of the proposed development, any impact on openness would be negligible and would not conflict with the five purposes of including land within the Green Belt under paragraph 134 of the NPPF, and the proposed elements of the development on the Green Belt land would be *“not inappropriate”* development.

The Council consider the formation of the access road would constitute “engineering operations” as defined by the Act and thus meets the exception listed at paragraph 146. It is further considered that the proposed access given the character of the area, which contains areas of hardstanding, fencing, electricity pylons and substation buildings, would not cause substantial harm to the openness of the Green Belt in this location.

Moreover, the access road hereby proposed would not conflict with the five purposes of including land within it. This is due to the fact that the works proposed would not result in the increased sprawl of large built-up areas or result in the merging of neighbouring towns into one another. In addition, it would not encroach into the countryside given the character of the area described above; would not impact on the setting and special character of historic towns and would assist in urban regeneration, by providing an access to an allocated development site.

Notwithstanding the above the applicant has also put forward an argument that very special circumstances exist to outweigh the harm to the Green Belt by way of inappropriateness and any other harm resulting from the proposal, should the Council have deemed the works inappropriate in the Green Belt. They have stated there is no alternative location within the mixed use allocation to accommodate a safe and appropriate vehicular access to the site and this is evidenced by the fact that the extant permissions have accesses from Rotherway through the Green Belt allocation.

Accordingly, it is considered that even if the works were held to constitute inappropriate development, it is considered taking into account all the considerations weighing in favour of the proposal that the harm to the green belt would be clearly outweighed and that ‘very special circumstances’ would therefore exist so as to justify locating the access road within the Green Belt.

#### Highway need

The National Government policy relating to the strategic road network is contained within Department of Transport (DfT) Circular 02/2013 ‘The Strategic Road Network and the Delivery of Sustainable Development’. Annex B of the Circular sets out policy on the provision on standards for road facilities (including MSAs) on the strategic road network. The circular at paragraph B4 emphasises that MSAs perform an important road safety

function by providing opportunities for the travelling public to stop and take a break. This links to the NPPF at footnote 42 of paragraph 104 e) which states that the primary function of roadside services should be to support the safety and welfare of the road use (and most such proposals are unlikely to be nationally significant infrastructure projects). Highways England's recommendation (para B5, B6 and B7) is that MSAs should be spaced such that there is a maximum of 30 minutes travelling time between facilities. This can typically be a maximum distance of 28 miles or less on congested sections.

Paragraph B8 states: *"The distances set out above are considered appropriate for all parts of the strategic road network and to be in the interests and for the benefit of all road users regardless of traffic flows or route choice. In determining applications for new or improved sites, local planning authorities should not need to consider the merits of the spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Nor should they seek to prevent competition between operators; rather they should determine applications on their specific planning merits."*

Paragraph B8 now concludes that once a gap of more than 28 miles has been identified, irrespective of any other factors, the need for a MSA is definitively established. Ultimately, it is interpreted that once a gap between MSAs is shown to exist it is not necessary to have regard to other considerations in determining whether a need exists, as the existence of a 28 mile gap is in itself conclusive evidence of need for planning purposes.

The applicant's submission notes that the four major urban conurbations are connected by three motorways (M1, M18 and A1M) and the highway network within South Yorkshire are very busy, accommodating both long-distance journeys and commuter traffic. The motorways within South Yorkshire are served by four existing MSAs as follows:

- Welcome Break Woodall (M1);
- Moto Woolley Edge (M1);
- Moto Doncaster North (M18); and
- Moto Blyth (A1M)

The applicant has indicated that there are multiple permutations of gaps between the existing MSAs referred to above, these are:

From	To	Route	Distance (miles)*
Woodall	Woolley Edge	M1	27.7
Doncaster North	Woolley Edge	M18 / M1	42.2
Blyth	Woolley Edge	A1(M) / M18 / M1	37.8
Woodall	Doncaster North	M1 / M18	26.9
Woodall	Blyth	M1 / M1 / A1(M)	22.5
Blyth	Doncaster North	A1 (M) / M18	18.6
* measured from centre car park to centre car park			

With regard to the above there are two instances where the maximum 28 mile spacing is breached and where, in accordance with the policy test set out within Circular 02/2013, there is an established need for a MSA. In addition, there is one instance where the maximum spacing is almost being breached; and there is one further instance where the maximum spacing is approached.

Further to the above paragraph B7 of the Circular 02/2013 recognises that speed limits on the motorway vary and the, therefore, the maximum distance (referred to as 28 miles) should be the equivalent of 30 minutes driving time, although this can be shorter.

The section between Woodall and Woolley Edge MSAs on the M1 are known to suffer from high levels of congestion with journey times regularly exceeding 30 minutes at peak times, which has been evidenced in a recent review of the highway network in this location in relation to network performance (*London to Scotland East Route Strategy, Evidence Report April 2014, Highways Agency, DfT*)

Consideration has been given to the most appropriate location for an MSA to address the 'need' for an MSA in South Yorkshire, the applicant has provided the table below:

Location	Distance to Existing MSAs (Miles)			
	Woodall	Woolley Edge	Doncaster North	Blyth
M18 J1	7.8	24.7	17.6	13.6
M18 J2	13.9	30.7	11.7	7.5
M1 J32	5.3	22.2	20.5	16.5
M1 J33	8.3	19.2	22.9	19.0
M1 J34	11.6	15.9	26.2	22.3
M1 J 35	14.5	13.0	29.1	25.1
M1 J35a	16.1	11.4	30.7	26.7
M1 J36	17.5	10.0	32.1	28.2

The above demonstrates that the only locations where an MSA could address all of the instances where the maximum 28 mile spacing is either being breached, almost being breached or where journey times are over 30 minutes, is junction 1 of the M18, a short section between junctions 1 and 2 of the M18 and between junctions 32 and 34 of the M1.

Whilst the assessment has identified all four junctions (and the intervening stretches of motorway) as being the most suitable locations, junction 1 of the M18 and junction 32 of the M1 are considered to be less suitable than junction 33 and 34 of the M1 for the following reasons:

1. An MSA on the M18 junction 1 and between junctions 1 and 2 would not address the 'need' between the Woodhall and Woolley Edge MSAs on the M1, where motorway traffic flows are at their highest.



2. The development of an MSA at junction 32 would only be circa 5 miles from the existing MSA at Woodall. Given that the existing distance between the M1 services is 27.7 miles, a MSA in this location would not best serve the 'need', when compared to more central locations between the two services.

Based on the foregoing, there is a demonstrable need for an MSA between junctions 33 and 34 of the M1. The proposed site is one of the optimal locations for meeting all of the breaches and near breaches of the maximum 28 mile spacing. The table below shows the benefits of the scheme in terms of eliminating or materially reducing non-compliant gaps:

Neighbouring MSAs in South Yorkshire		Existing Gap (miles)	Revised Gap with MSA at J33
Woodall	Woolley Edge	27.7	8.5
Woolley Edge	Woodall	27.7	19.2
Doncaster North	Woolley Edge	42.2	23.2
Woolley Edge	Doncaster North	42.2	19.2
Blyth	Woolley Edge	37.8	18.8
Woolley Edge	Blyth	37.8	19.2
Woodall	Doncaster North	26.9	8.5
Doncaster North	Woodall	26.9	22.9
Woodall	Blyth	22.5	8.5
Blyth	Woodall	22.5	19.0

The above illustrates that in all 10 instances the distances between existing MSAs within South Yorkshire would be reduced; all of the non-compliant gaps, in excess of 28 miles, are reduced to less than 28 miles; and there is significant reduction in the distance between existing MSAs where the 28 mile maximum is almost breached.

Based on the above, the Rotherham MSA would, meet the substantive part of the proven need for MSAs on the motorway network in South Yorkshire. In doing so, it would deliver driver safety and welfare benefits which are enshrined in national policy. Accordingly, the proposed MSA would meet all of the relevant eligibility criteria and minimum requirements and as such would be eligible for signage off the M1. The signage would comply with the latest guidance on Traffic Signs Regulations and General Directions and any other guidance as may be issued by Highways England.

#### Site Suitability

The site in question is considered suitable for the proposed development for the following reasons:

- The MSA is capable of meeting the minimum requirements for a roadside facility that is eligible for signing from the Strategic Road Network.
- The vast majority of land proposed for the MSA is allocated Mixed Use within the adopted Local Plan.
- The site benefits from an extant (implemented) planning permission for the development of a 5 storey hotel, a four storey hotel, a public house / restaurant and a petrol filling station with associated access from Catcliffe Roundabout, parking and landscaping. The majority of this proposal is located on the mixed use allocation, but it also includes an approved access running from junction 33 / Catcliffe Roundabout, through the Green Belt allocation. This consented development is clearly not a MSA, but the permission does demonstrate that the site is suitable for a similar type of development, and development of an access in the Green Belt has been deemed acceptable and has been part developed on the site.
- The site is vacant, has a long history of disturbance and currently serves no function.
- Subject to highway improvements there would not be any material highway capacity issues associated with the development.

#### Alternative Site Assessment

The applicant has provided an Alternative Site Assessment for a potential MSA on the M1 between the existing Woodall and Woolley Edge MSAs within the Transport Assessment.

The ASA concludes that there are no on-line MSA sites that could comply with highway standards as set out in the Design Manual for Roads and Bridges (DMRB) and there are only three junctions on the M1 that offer any potential for the development of an MSA, namely junctions 33, 35 and 36.

Following the assessment of the three junctions in the context of obvious planning and environmental constraints, the ASA draws the clear conclusion that land to the west of junction 33 is clearly the most suitable for the delivery of an MSA.

Notwithstanding this conclusion, it is relevant to note that there is presently an undetermined planning application (submitted to Sheffield City Council) for a competing MSA development. This is another 'junction' / off-line MSA which is being promoted by Extra Motorway Services (Extra) on land at junction 35 of the M1, within the Green Belt. The application is subject to substantive objections.

A comparative assessment has been carried out between the Extra development at junction 35 and the Rotherham MSA development, which evaluates each MSA scheme against key planning, environmental and technical criteria and then applies a traffic light system. This document can be found at page 40 of the Applicant's Planning Statement (August 2017).

The assessment indicates that the application site is materially preferable in terms of key planning, environmental and technical evaluation criteria. Therefore, in light of the above, it is concluded that there is a clear and demonstrable need for an MSA on or between junctions 33 and 34 of the M1 and the Rotherham MSA would represent a sustainable development in an optimum location to meet the identified need.

#### Main town centre use

The proposed MSA will, within the proposed amenity building incorporate a range of retail and food sales, which are defined as main town centre uses. Whilst it is accepted that MSAs are a sui generis use, the degree to which the range of uses contained within the facility are also categorised as sui generis is open to interpretation. In any event, the DfT Circular 02/2013 (section B29) states that *“the scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. However, local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.”*

National and local planning policy (in particular Local Plan policy CS12 ‘Managing Change in Rotherham’s Retail and Service Centres’) indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date local plan. There is nothing within the Local Plan policy or the NPPF to suggest that this requirement should not apply to main town centre uses contained within an MSA. Whilst it is accepted that it is not the purpose of national and local policy to direct MSAs to town centres, this must not give carte blanche to allow any range and scale of town centre uses to be located within MSAs without adequate assessment or compliance with local and national policy.

The applicant argues that the amenity building does not require the submission of a sequential test as it should be considered as a planning unit in its own right and does not constitute main town centre uses.

The Council do not agree with assessment having regard to paragraph B29 of DfT Circular 02/2013 and policy SP30 ‘Motorway Service Areas’ which indicates that they should not become a destination in its own right.

Therefore, it is considered that whilst accepting that some element of retail provision will be required at the MSA, national and local planning policy does not give carte blanche for this to be of any type and scale. This approach has been accepted in other circumstances (for example a recent application for an MSA near J45 of the M1 in Leeds) where sequential test evidence was required and submitted as part of the application. As such it is considered that the sequential and impact test elements of Policy CS12 are considered to be relevant.

The application includes a total new floorspace of 5,184 sq. metres. The parameters plan indicates that in addition to the fuel filling stations the main amenity building will be between 3,000 and 3,200 sq. metres (footprint) and the HGV amenity building between 300 and 400 sq. metres (footprint). No further detail is provided as regards to retail floorspace.

The sequential approach requires sequentially preferable sites within town, district or local centres to be considered. It is accepted that substantial disaggregation of the proposal would not be appropriate and any sequential consideration should be based upon the development proposed.

Core Strategy Map 7 'Retail Centre Hierarchy' identifies town and district centres within the borough (local centres are defined on the Sites and Policies document Policies Map but are considered to be of a scale unsuitable for consideration given the context of the application). It is accepted that in this instance there are no alternative suitable sites within town or district centres that would also be directly adjacent to the motorway, at an existing junction off the motorway or directly adjacent to the Strategic Road Network. Locating the proposed development within or on the edge of any existing centres would result in the MSA being located on a site wholly unsuitable for the proposed operation of the development.

In terms of the impact test requirements, policy CS12 requires an assessment of the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal; and the impact of the proposal on the vitality and viability of centres, including local consumer choice and trade.

It is acknowledged that this approach is problematic for the proposed development as identified the catchment of the proposal is extremely difficult given the nature of the operation and that visitors will most likely be drawn primarily from users of the Strategic Road Network. The nature of the operation also means that trade is unlikely to be diverted away from defined centres given that the facilities provided are in the context of an MSA facility as opposed to a more traditional retail centre. In light of these considerations it is considered that the proposal is unlikely to result in a significant adverse impact to the vitality and viability of any nearby centre, or to planned and committed investment within them.

In light of the above it is considered that the sequential approach and impact test requirements required by national and local planning policy have been satisfied.

Notwithstanding the above policy SP23 'Out-of-Centre Retail Parks and Other Out-of-Centre Developments' is also of relevance, this establishes that the Council will seek to ensure that development of main town centre uses in out of centre locations remains complementary to defined centres by mitigating the impact of any development. This will be achieved by imposing appropriate conditions including on the use of land and premises, the scale of

development, the sub-division of units, and the goods that can be sold from any retail outlet.

In order to ensure that the development satisfies policies SP23 and SP30 a condition shall be imposed on any approval to limit the overall amount of retail floorspace to be provided, and also appropriate limits to the size of individual units. This recognises that the configuration of retail space within the amenity could have differing impacts in terms of the attractiveness of the site as a destination and further detail will be submitted at reserved matters stage. However, it is considered appropriate to restrict the subdivision of the building into any individual retail units of more than 929 sq. metres gross. This would prevent the creation of a single large retail unit. This aligns with the approach adopted by the Council in other circumstances where it has sought to control the size of retail units in out of centre locations to ensure that the nature of the development does not alter and have an adverse effect on the vitality and viability of defined centres.

In summary, on the basis of the above it is considered that the proposed development would be appropriate in principle within the mixed use area. It is also considered that the application demonstrates that the access road through the Green Belt is appropriate and the proposal would meet the need on this stretch of Motorway for an MSA.

#### **Impact on visual amenity (inc. design, appearance and siting)**

The NPPG notes that: *“Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”*

The NPPG further goes on to advise that: *“Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”*

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

Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks.

Additionally, Local Plan policy CS28 '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.

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

As previously reported, the application is in outline form, with details of siting and external appearance reserved for future consideration. Nevertheless indicative elevation drawings of the main amenity building and indicative visuals of the other buildings have been submitted.

The indicative elevation drawings show the proposed size, scale, form, design and materials of the main amenity building. The building would be of a modern, contemporary design with a mixture of glazing and cladding to the front and side elevations. The drawings show the building would have an undulating roof rising from single storey to two storeys. It is considered that the scale, design and siting of the amenity building is considered to be appropriate for this location.

The indicative site layout splits the site in two with the HGV lorry park, HGV amenity building and HGV petrol filling station to the northern part and the car park, main amenity building and petrol filling station to the southern part of the site.

Access to the MSA is taken directly from the roundabout junction via the introduction of a new arm junction between the M1 Southbound off slip and Rotherway. This access will provide an entrance to the MSA for all traffic. Exit from the MSA for the majority of traffic will be via a new access to Sheffield Parkway some 300m from the junction. The alternative exit from the site is via a new slip road to the A630 Rotherway with access to the motorway via the roundabout of A630 / A631.

This exit to Rotherway is only for the southbound HGV traffic, and will be signed as such, although this HGV traffic will also use the main exit from the facilities. The only constraint on this movement is the headroom clearance on the subway beneath the motorway connecting the two sides of the MSA. The headroom clearance of 5.1m minimum will accommodate the majority of the HGV traffic. In practice, it will only be abnormal loads that will be precluded from using this exit and need to exit via Rotherway.

The access proposals will also require an upgrading of the signal junction arrangement, with entrance to the MSA directly from the junction with exit via A630 Sheffield Parkway, which will be assessed later in the report.

It is considered that the layout of the site with the distinctive split between the north and south is considered acceptable and appropriate given the constraints of the underpass. It also allows for the site to not appear overly developed as it enables a good amount of landscaped areas to help further soften the visual impact of the development and assist in integrating the development into the immediate surrounding area.

Further to the above SP57 'Sustainable Construction' seeks to enable high quality, functional and sustainable design and proposals will need to be designed to withstand and adapt to the predicted impacts of future climate change. Therefore, at the reserved matters stage information will be required to be submitted on how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable. In addition information on how the buildings over 1000 sq. metres will meet the relevant BREEAM 'very good' standards and how the installation renewable and low carbon energy technologies will be integrated.

Taking into account all of the above, any future application for Reserved Matters should have regard to the requirements of the aforementioned policies and guidance. However, on the indicative information submitted it is considered that the layout of the site and the design and appearance of the proposed buildings would comply with the requirements of the NPPF, NPPG and Local Plan policies CS28 and SP55.

### **Highway implications**

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

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel.

SP26 'Sustainable Transport for Development' states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 108 and 110 of the NPPF.

CS15 'Key Routes and the Strategic Road Network' states: *"The Key Route and Motorway network will provide efficient access between the main Rotherham Urban Area, Principal Settlements and the regional and national road network. This will be achieved by:*

- a. Concentrating through traffic on Motorways and 'A' Roads with best use being made of the existing road capacity to enable this.*
- b. Improving specific Key Routes to manage congestion including traffic management measures, bus priority and facilities for cyclists and pedestrians..."*

SP28 'Development Affecting Key Routes and the Strategic Road Network' states: *"Careful consideration will be given to any potential adverse impacts of development on the Key Transport Routes and the Strategic Road Network, having regard where relevant to guidance in Circular 02/2013 or any subsequent replacement. Where a proposal is likely to have transport implications, applicants must set out suitable mitigation measures in their Transport Assessment."*

SP56 'Car Parking Layout' states layouts must be designed to reduce the visual impact of parking on the street-scene; discourage the obstruction of footways and ensure in-curtilage parking does not result in streets dominated by parking platforms to the front of properties.

The proposed development would result in a new junction being created to access the site from the roundabout junction via the introduction of a new arm junction between the M1 Southbound off slip and Rotherway to provide access to the MSA for all traffic. Further to this exit from the MSA for the majority of traffic will be via a new access to Sheffield Parkway some 300m from the junction. This exit will create new traffic lanes on approach to the junction on Sheffield Parkway. The alternative exit from the site is via a new slip road to the A630 Rotherway with access to the motorway via the roundabout of A630 / A631.

This exit to Rotherway is only for the southbound HGV traffic, and will be signed as such, although this HGV traffic will also use the main exit from the facilities. The only constraint on this movement is the headroom clearance on the subway beneath the motorway connecting the two sides of the MSA. The headroom clearance of 5.1m minimum will accommodate the majority of the HGV traffic. In practice, it will only be abnormal loads that will be precluded from using this exit and need to exit via Rotherway.

The access proposals will also require an upgrading of the signal junction arrangement, with entrance to the MSA directly from the junction with exit via A630 Sheffield Parkway.



The proposal will require a number of highway improvements off site on the A630 Sheffield Parkway, the M1 and roundabout of A630 and A631 before the scheme can be brought into use and details of which have been provided for consideration by both the Council's Highway Engineers and Highways England as part of this application as mitigation against any impact.

The applicant has submitted details of a scheme to create a signalised exit to Sheffield Parkway to alleviate any concerns over safety in relation to traffic merging from the MSA.

Further to the above the applicant has provided detailed designs showing:

- Amendments to the M1 southbound off slip road lane markings and extent of the taper to form the four-lane approach to the junction. In this regard, it is envisaged that the outside lanes (lanes 2, 3 and 4) will be signed to A630 Sheffield, lane 2 is also signed for A630 Rotherham, with lane 1 signed to A630 Rotherham and the new services.
- An additional entry lane to the junction from M1 northbound diverge slip road to improve the entry capacity to the junction from this approach. The layout now provides 4 lanes at the roundabout with lanes 1, 2 and 3 signed to Sheffield. Lane 3 is also signed to the services and Rotherham with lane 4 signed to Rotherham.
- Additional circulatory lanes within the junction around the northern and southern parts of the junction to improve queuing capacity within the junction.
- Widening of the A630 Sheffield Parkway exit from the junction to allow a 3-lane exit from the junction. This 3-lane section to extend over some 230m; and
- Realignment of the A630 Sheffield Parkway to the junction to improve the entry radius geometry.

The effect of the measures listed above is to maximise capacity of the junction overall and to create the first part of the 3 lane proposals for the Sheffield Parkway, which will allow future upgrading of Sheffield Parkway to 3 lanes to be undertaken without any further alteration to the junction arrangement.

The Council's Highway Engineers have assessed all the information provided by the applicant in respect of highway improvements and mitigation and have provided the following assessment.

#### Impact on J33, M1 Motorway

The modelling assessment indicates that the mitigation proposed for M1 Junction 33 accommodates the predicted level of traffic generated from the development. This position is supported by Highways England. The mitigation includes for circulatory carriageway widening and improvements to the approaches at the M1 Junction 33. Additional approach lanes are to be provided at the proposed merge on the A630 Rotherham Gateway (where it is planned to reduce the speed limit from 70 mph to 50 mph) and at the M1 northbound off slip. The data incorporated all the potential local development

traffic and added a further 10% on top to account for the proposed Advanced Manufacturing Innovation District (AMID) developments. The local developments included the entirety of the Advanced Manufacturing Park (AMP) (including the extension) and Waverley New Community.

#### Impact on A630 / A631 Rotherway Roundabout

The modelling assessment indicates that the roundabout is currently over its theoretical capacity at peak times. By 2030 this situation will worsen with traffic growth, although the maximum increase in queuing would be 4.8 and 5.7 vehicles in the AM and PM peak respectively if no mitigation was intended. Further approximately 10-15. HGV's in the peak hour are expected which is likely to be within the daily variation of flow change.

#### Proposed access / egress arrangement

The site access is intended to be taken from two new points of access and egress. Whilst both would be constructed to Design Manual for Roads and Bridges standards, the operation of the internal direction of vehicles within the development will be crucial to the safe operation of the site. It has been proposed by the applicants that HGV traffic southbound will follow signing to the A630 and U turn at the Rotherway roundabout.

Such traffic would have to negotiate the motorway underpass where headroom is restricted. Measures to deter high sided vehicles from using this route will be necessary.

There is a strategic desire of the Council and the Sheffield City Region to widen the A630 Parkway between Catcliffe and the M1 at J33, however it is of note that the proposed motorway service area will not prejudice, or be prejudiced by, any future widening of the Parkway in this locality.

#### On site vehicular facilities

The proposed on site vehicle parking (cars, coaches and HGV's) accords with the requirements of Circular 02/13. 'The Strategic Road Network and the Delivery of Sustainable Development'. 459 No. car parking spaces are proposed, also 76 No. HGV spaces, 15 No. coach spaces, 1 No. abnormal load, 14 No. motorcycles and 14 No. caravans/motorhomes. The internal layout has been the subject of a Road Safety Audit and all vehicle movements have been tracked through the site.

#### Road Safety

The accident data for roads in the area has been thoroughly investigated and there are no particular road safety concerns arising from the development. However, the potential for vehicles to use the Parkway exit from the site to access the southbound carriageway of the M1 is a potential additional source of collisions. A Road Safety Audit has considered this and other issues and in response a signalised exit from the MSA to Sheffield Parkway is now included

in the proposal together with the introduction of a 50 mph speed limit through the junction. The designer's response report re: the March 2019 GG 119 Stage 1 Road Safety Audit was discussed with representatives from Highways England at a meeting on 14th May 2019 and outstanding issues satisfactorily resolved in the Technical Note Revision A dated 28th August 2019.

### Travel Planning

There is no public transport access to the site. A fully detailed travel plan conforming to best practice and specifying how staff can be brought on to the site is required.

### Conclusions and Recommendations

The conclusions in the TA are considered to be sound and based on robust traffic figures using agreed TEMPRO growth rates. This view is corroborated by the sensitivity test which confirms that the growth adopted in the assessment of the MSA accounts for all development on the agreed list of committed development, notably Sheffield Business Park Phase 4 (RB2018/1988), AMP extension (RB2019/0574), mixed use centre High Field Spring (RB2017/0650) and Waverley New Community (RB2008/1372). The list includes also a development in Sheffield for the University of Sheffield (S15/01262).

The conclusion is that the growth adopted in the assessment includes for 5.3 times the level of traffic associated with the committed development in the AM peak and 3.7 times the level of committed development in the PM peak.

Highways England, who have been fully involved through the processing of the application and who have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN), have fully considered the proposals and have raised no objections to the proposal subject to conditions.

The SRN is a critical national asset and as such Highways England work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. This assessment by Highways England backs-up the Council's own assessment that the proposal would not adversely impact on the SRN.

It is noted that one of the objectors to the scheme (Sheffield Business Park) have raised concerns regarding the fact that the traffic modelling in the TA does not make reference to the Advanced Manufacturing Innovation District (AMID) development.

In respect of the above, the applicant's traffic consultants obtained Parkway traffic data and development assumptions from the inputs for the Parkway widening scheme to establish a baseline flow for the Parkway. This data incorporated all the potential local development traffic and added a further 10% on top to account for future growth and committed developments. The local developments included the entirety of the AMP (including the extension) and Waverley New Community. The case has been made that the MSA will be responsible for about 1% outbound traffic and ½% inbound traffic on the Parkway. This would be well within the amount of daily flow variation. The forecast level of growth applied was based upon Road Traffic Forecasts (RTF) 2015 (Yorkshire and Humber). RTF forecast scenario 5 was applied to reflect the strategic location of the scheme (and surrounding Sheffield City Region Strategic Economic Plan aligned growth ambitions). The Council are satisfied with the details provided and it includes committed development and growth.

Furthermore, Highways England is satisfied that the proposed scheme associated with the MSA does not reduce the capacity of the junction or cause issues on their network. Accordingly, the objection raised above, whilst noted, is considered to have been addressed accordingly.

Having regard to the above it is considered that subject to conditions the scheme can provide a safe and suitable access to and egress from the site into the road network that would not adversely impact on existing and future road users. Furthermore, with the improvements proposed to the Sheffield Parkway and M1 adjacent the site the scheme will help improve the current situation.

Accordingly, it is judged that the scheme would comply with the requirements of both national and local planning policies and guidance and for the reasons set out above would be acceptable in highway / transportation terms.

Comments have been received from The University of Sheffield that some committed schemes have not been assessed, these include the Meadowhall Expansion application; the Logistics at Outokumpo which include a new of distribution centres on Shepcote Lane, Sheffield and the Local Development Order for the remaining part of Sheffield Business Park that has not yet been developed (approximately 50ha).

In respect of the Meadowhall Expansion application, reference is made to the TA which was submitted with the application and available to view on Sheffield City Council's planning portal. The site is adjacent to J34 of the M1 and hence it is considered that any development in that location would be distributed to J34 rather than impacting on J33. The consultation responses from Highways England on the Meadowhall Expansion application are solely in the context of J34 with no reference to J33. The TA prepared in support of the Meadowhall application identifies the scope of the assessments, the assessment assumed no impact on J33. Accordingly, it is considered that the Meadowhall Expansion would not impact on J33 and therefore it is not included in the assessment of committed developments.

The site at Outokumpo is located adjacent to J34 of the M1, as with the above development it is considered that the proposal would be routed to the M1 via J34 and hence not via J33. The TA submitted with the Outokumpo application only includes an assessment of J34, and the consultation response from Highways England is only in relation to the effect on J34. The TA does not include any routing of traffic to or from the development via Sheffield Parkway or J33.

However, in assessing the TA and the broader distribution of the employee traffic to and from the Outokumpo development, there are a limited number of movements of employees which are identified to access the M1 from J34, but leave at J33 to travel via Rotherway to the east.

The applicant has disputed this routing of traffic as it would appear an unlikely route given the shorter route is via the A631 from J34 of the M1 to areas to the east of the motorway and toward Rotherham. These movements of traffic reflect 26 movements two way in the AM peak and 23 movements two way in the PM peak. However, despite disputing this route, if these figures were included in the assessment spreadsheet the changes would be minimal, in fact the changes would result in the level of growth being 4.8 times greater than the committed development in the AM peak (rather than 5.3 times) and 3.5 times greater than the committed development in the PM peak (rather than 3.7 times).

In respect of the Local Development Order it is of note that this expired in March 2018 and hence cannot be considered as committed development.

Therefore it is considered that the assessment of the committed development has considered all the relevant developments within the area affecting Sheffield Parkway and those developments identified by The University of Sheffield are either included in the assessment or do not impact on Sheffield Parkway or J33.

### **Impact on amenity**

In respect of amenity whilst issues such as impact of the building, plant and machinery, and lighting on neighbouring residents and the immediate surrounding area are not currently being assessed, as the final details will come forward in the reserved matters application, it is still considered appropriate to provide some assessment given the noise and light pollution concerns raised by some of the objectors.

Paragraph 127 of the NPPF states planning decisions should create places that are safe, inclusive and accessible and, amongst other things, have a high standard of amenity for existing and future uses.

Paragraph 180 of the NPPF states: *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health,*

*living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”*

Policy CS27 ‘Community Health and Safety’ states 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.

Policy SP52 ‘Pollution Control’ states development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity.

In respect of the building, whilst its final design, size, scale, form and siting will not be assessed until the reserved matters application, it is considered that given the location of the site, land levels, boundary treatments and distance to residential properties, it would have no adverse impact on the amenity of residents.

In respect of the proposed use, a Noise Assessment has been submitted which concludes noise levels have been considered and assessed during the construction and operational phases of development. The vibration from construction activities have been considered and are likely to result in a negligible impact magnitude even during periods when peak vibration levels are likely to be experienced and vibration during site operations is not expected to be perceptible.

The report noted that the background noise surveys demonstrate there is a high background noise level at the nearest receptors that the proposed development would have a negligible impact upon those receptors, such that noise levels are within appropriate guidance and standards and noise sensitive receptors would be suitably protected against site noise generation.

The Council’s Environmental Health department have stated that hours of construction should be restricted by 0700 to 1900 during the week and 0700 to 1300 on Saturdays, to minimise any potential noise during unsocial hours and any night time working on slip roads / access roads should only be undertaken prior to the agreement of the Council.

In addition, prior to the installation of any fixed noise generating plant and machinery, precise details will need to be submitted to and approved by the Council and it should be accompanied by an additional noise impact assessment. This will ensure that any plant and machinery at the site will not have a negative impact on the nearest residential dwelling.

Some concerns were raised by objectors regarding light pollution and whilst no detailed information has been submitted in respect of type, location and number of external lighting columns that will be at the site, the Council’s Lighting Engineer has indicated that subject to the lighting being in

accordance with the guidance provided by the Institute of Lighting Engineers in their document “Guidance Notes for the Reduction of Light Pollution”, there will be no obstructive lighting.

It is therefore considered that whilst the information provided with this application is limited, subject to recommended conditions, the proposed building, plant and machinery, lighting and use would raise no amenity issues. Accordingly, the proposal would be in accordance with paragraphs 127 and 180 of the NPPF and Local Plan policies CS27 and SP52.

### **Landscape implications (inc. trees)**

The site consists of an area of low lying land that lies within the River Rother Strategic Green Infrastructure Corridor. The site lies within an urban area, but is bounded on three sides by the River valley floor landscape character area and shares some of the key landscape characteristics of the character area.

Paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

Policy CS19 ‘Green Infrastructure’ states: *“Rotherham’s network of Green Infrastructure assets...will be conserved, extended, enhanced, managed and maintained throughout the borough.”* Policy CS21 ‘Landscape’ states: *“New development will be required to safeguard and enhance the quality, character and distinctiveness and amenity value of the borough’s landscapes...”*

Further to the above policy SP32 ‘Green Infrastructure and Landscape’ states: *“The Council will require proposals for new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting the needs of future occupants and users.”*

A Landscape Visual Impact Assessment has been submitted despite the final design, size and scale of the buildings on site being reserved. However, from the information provided on the indicative elevation plans and layout, the LVIA provided 8 viewpoints. The viewpoints submitted show that there will be no significant effects arising from the development and that *“the proposed development would be largely screened from view, and the visible elements would be minor additions appearing far less prominent than existing unsightly pylons, substation infrastructure, and traffic and highway infrastructure.”*

It is considered that whilst limited landscape information has been submitted at this stage, as it will be submitted as part of a reserved matters application, the information provided to date indicates that the proposal would not adversely affect the landscape character of the site or be visually imposing in wider landscape. Accordingly, it is considered that the development would be in compliance with the aforementioned adopted Local

Plan policies and relevant paragraphs of the NPPF, and would raise no significant landscape issues that would warrant a refusal.

### Trees

Significant area of tree removal will be required to facilitate this development. Although this tree area is classed at the lower end of the scale for arboricultural significance it is an extensive habitat resource with good ecological significance. An Arboricultural Impact Assessment (AIA) is required to ascertain the level of tree loss / retention and inform the replanting plan.

The Tree Service will require a replanting plan to address the loss of diverse canopy area. and showing the extent of trees/ planting to be retained to mitigate loss where possible. There are clear areas on the fringes of the development that could benefit from mass replanting of UK native tree species and opportunity to include hardy and drought tolerant species in the hard landscaped areas of the carpark.

Tree planting should be designed sympathetically into a landscape master plan submitted with the reserved matters application.

Having regard to the above the Tree Service have no objections subject to conditions requiring information to be submitted in respect of protecting existing trees / hedgerows through the construction phases and a suitable scheme of proposed tree planting and pits.

Therefore subject to conditions the proposal would comply with the requirements of Local Plan policies CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape and CS28 Sustainable Design.

### **Ecological implications**

The site given its overgrown character, vegetation and close proximity to the River Rother there is scope for some ecological and bird habitats to be present within the site and on land adjacent which may be affected by the development.

Paragraph 170 of the NPPF states planning decision should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing site of biodiversity value and minimising impacts on and providing net gains for biodiversity.

Paragraph 175 states planning permission should be refused where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for.

Policy CS20 'Biodiversity and Geodiversity' states: *"The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity*



*resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.”*

Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states: *“Development should conserve and enhance existing and create new features of biodiversity and geodiversity value.*

*Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternative site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures.*

*Where, despite mitigation, there will be residual adverse impact on biodiversity or geodiversity value or on wider ecological networks, development should provide an adequate level of compensation. The aim of mitigation and compensation should be to respond to impact or loss with something of greater value; the minimum requirement will be to maintain ‘no net loss’.”*

Furthermore, paragraph 102 of the NPPF states: *“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: ...d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains”.*

A Phase 1 Habitat survey and a breeding bird survey have been submitted in support of the application, while a further more recent walk-over survey has been carried out since the original survey over 2 years ago. The surveys confirm that the site supports a range of habitats, reflecting its past history of disturbance and range of variation in substrates. Some important ecological features were identified on site, including open mosaic priority habitat, hedgerows and a woodland / scrub / grassland mosaic. In addition, plantation woodland to the north provides the potential for habitat enhancement measures to compensate for unavoidable losses of open mosaic habitat and other features and deliver environmental net gains. The recent walk-over survey has confirmed that there were no significant changes in the spatial disposition of habitats on site since the 2017 surveys. No signs of protected species were identified on site, and the risk of protected species occupying the site since the previous assessment has not changed since the earlier survey. There are no apparent changes in the wider context of the site which would lead to any appreciable change in its conservation status, and the potential for ecological mitigation on land identified for that purpose remains the same. As such no substantive changes have been identified which would require any alteration to the conclusions of the Ecological Assessment report compiled in 2017.

As set out above the test in policy SP33 is no net loss as a minimum. However, the amendment to the NPPF in July 2018, which postdates the adoption of the Local Plan at paragraph 102 states there should be a net environmental gain.

With regard to the above consideration, it is of note that the proposed development includes the enhancement of circa 8ha of land to the north of the HGV parking area, which is set out in the Design and Access Statement. At present this land comprises an area of very dense broadleaved plantation woodland, which due to lack of management is not maximising its potential ecological value. It is proposed to selectively remove some trees to create rides and glades within the woodland, which would increase the structural diversity of the woodland, and which would improve habitat value for a range of bat, bird and insect species. This shall be implemented, plus inclusion of additional surrounding habitat to compensate for the loss of bird and invertebrate habitat.

Furthermore, the applicant has stated a commitment to work with the Sheffield and Rotherham Wildlife Trust and the Council to identify opportunities for ecological enhancement. Importantly, the motorway services scheme should safeguard this area of woodland for its lifetime, ensuring that this potentially valuable ecological resource is not developed or altered to the detriment of the wildlife that it currently supports.

In addition, it has been recommended that a Biodiversity Enhancement Plan (BEP) should be produced prior to the commencement of construction to identify the short term and long term management actions required to improve the ecological value of the woodland. The objectives of the BEP would be to increase structural diversity of the woodland, provide opportunities for understory development and increase value to invertebrates, birds and other fauna that may use the woodland. This will be secured via a condition on the current application and may come forward as a detailed document on the reserved matters or be further conditioned that it is submitted prior to commencement of development.

Moreover, it is considered that new native woodland planting should be incorporated in any future landscaping scheme to compensate for the trees that are to be removed to create the new access point and where the loss cannot be avoided or mitigated against. In addition, the new native tree and shrub planting should form a woodland belt running to the north of the access road into the Site as stipulated by the applicant. It is also advised that areas of conservation grassland and ornamental shrub planting and groundcover should be provided around the new buildings and parking areas, while bat and bird boxes should be incorporated into the design of the building and within the site.

It is considered that whilst there will be some adverse impact on biodiversity and ecological networks on the site and on adjacent land, the mitigation and compensation proposals detailed above would provide the site and the surrounding area with a net environmental gain. Therefore subject to

conditions and the implementation of the proposed mitigation / compensation measures specified the proposed scheme would comply with the requirements of paragraph 102 of the NPPF as well as Local Plan policies CS20 and SP33.

### **Flood Risk and Drainage**

The NPPF at paragraph 157 states: *“All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test..”* Paragraph 158 further notes: *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*

In respect of the exceptions test paragraph 159 indicates: *“If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.”* Moreover, paragraph 160 states: *“The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*

It is noted at paragraph 161 of the NPPF that both elements of the exception test should be satisfied for development to be allocated or permitted.

The proposed MSA buildings and its access road from Rotherway lies wholly within Flood Zone 1. However a short section of the southern egress road to the Parkway is washed over by Flood Zone 2.

The Policies Map published as part of the Council's adopted Sites and Policies document, 2018 shows the full extent of this egress road falling within the Mixed Use Allocation MU14. Accordingly, the area in question is allocated for mixed use development, with the acceptable uses being identified as: A3 restaurant, A4 drinking establishment, sui generis car park, sui generis petrol filling station.

With regard to the Local Plan Sites and Policies Document, it is noted that Section 5 deals with the matter of flood risk and the Plan's allocations.

- Paragraph 5.3 identifies that: *"A number of evidence base studies support the Sites and Policies Document and will be used to guide the determination of future planning applications."* 'Surface Water Flooding – assessment of all sites' is included in the list.
- Paragraph 5.4 confirms that: *"Background Papers have also been prepared that identify an impact on Local Plan designations and these further investigations have also contributed key development guidelines to guide future development opportunities."* A 'Flood Risk Sequential Assessment' is included in the list.
- Paragraph 5.15 identifies that: *"Sites have also been assessed by the Council's Drainage Team in relation to the potential for surface water flooding. Utilising the Environment Agency's Flood Map for Surface Water the risk of surface water flooding has been identified. Key development guidelines have been identified to ensure that flood risk issues are considered where relevant, and appropriate, mitigation secured to ensure that sites can be developed safely without increasing the risk of flooding elsewhere."*

It is further noted that the Local Plan followed on from the RMBC Strategic Flood Risk Assessment (Level 1), which was published in June 2008.

Accordingly, it can be concluded that the MU14 mixed use allocation was made, and found sound, having full regard to all relevant matters related to flood risk, including a 'Sequential Assessment'.

Thus, this is a case where NPPF paragraph 162 applies. This states that: *"Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or potential flood risk should be taken into account"*.

It is considered that the MSA proposal, or more specifically a very short length of its egress road, raises any new 'relevant aspects' that trigger the Exception Test. Further, there is no known new information about potential flood risk that needs to be taken into account.

On this basis, it is demonstrably the case that the Sequential Test does not apply.

Further, in accordance with Planning Practice Guidance (PPG) *"The Exception Test should only be applied as set out in Table 3 following application of the Sequential Test"*. In short, the Exception Test flows from the Sequential Test, which is not required in this situation.

The NPPF at paragraph 163 states: *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere...”* Paragraph 165 adds: *“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate...”*

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

Policy SP47 ‘Understanding and Managing Flood Risk and Drainage’ states the Council will expect proposals to, amongst other things, demonstrate an understanding of the flood route of surface water through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS), and consider the possibility of providing flood resilience works and products to minimise the risk of internal flooding.

As this is an outline application, full drainage details and calculations have not been submitted, although a large amount of drainage information has been provided within a Planning Statement, Flood Risk Assessment and Drainage Strategy.

There are no objections in principle to the proposal as it has been demonstrated that there is minimal on-site flood risk and only a small area of the site falls outside zone 1). As such the scheme subject to conditions would comply with paragraph 163 and Local Planning Policies CS25 and SP47 in respect of flood risk.

Notwithstanding the above and whilst not under consideration in this outline application, there are some concerns about the proposed surface water discharge rate from the site to the public sewer as agreed with Yorkshire Water, as 5 litres per second is not viable for a site of this size. Assuming 6ha of impermeable area, this discharge rate with a pumping station working 24 hours per day could only discharge the equivalent of 6mm of rainfall. The 4200m<sup>3</sup> of storage proposed, which the Council’s Drainage Engineer considers to be an underestimation, would take 10 days to drain down. The proposed drainage attenuation would be able to cope with a short rainfall event but would be overwhelmed by prolonged wet weather.

Accordingly, at the reserved matters application consideration will need to be given to the proposed discharge rate and / or discharge location to ensure a suitable surface water drainage design is achieved and a condition preventing development from commencing until a sustainable drainage design is approved is proposed below. However, , a condition shall be imposed requiring a detailed sustainable drainage design be submitted and approved prior to commencement of development.

## **Air Quality**

The application site sits within an Air Quality Management Area. The NPPF at paragraph 181 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. It further states that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. In addition the NPPF notes that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

Further to the above adopted policy CS14 'Accessible Places and Managing Demand for Travel' states at criteria k. that new development in Air Quality Management Area will not be permitted unless traffic and air quality impacts are appropriately mitigated.

Policy CS27 'Community Health and Safety' further states: *"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...When the opportunity arises remedial measures will be taken to address existing problems of...air quality."* This is further explored in policy SP52 'Pollution Control' which states that in determining planning applications, consideration should be given to amongst other things, the impact on national air quality objectives and an assessment of the impacts on local air quality.

An Air Quality Assessment has been submitted in support of the application, the report assessed the impacts from the operational phase on air quality in terms of the pollutants nitrogen dioxide and PM10 have been assessed at the nearest existing and proposed residential receptors (within 200m of affected roads).

The report states that no residential receptor is predicted to experience any significant worsening of air quality in terms of the National Air Quality pollutants nitrogen dioxide and PM10 as a result of the proposed development. It also states that the development will include the provision of electric vehicle charging points within the parking areas.

The assessment considered both the traffic movements in the proposed MSA itself and the wider road network and incorporated an assessment of the potential impacts from additional vehicle exhaust emissions associated with the development. The report states there will be no unacceptable impacts on existing or future human health, amenity or ecological receptors through the additional traffic associated with the development.

The AQA concludes that the overall effects are not predicted to be significant with respect to air quality with no significant residual effects.

Having regard to the above, the AQA was assessed by the Council's Air Quality Officer and both its methodology and findings are considered to be acceptable. Therefore, it is considered that the proposed development would not significantly affect air quality within this designated Air Quality Management Area and as such it would be in full compliance with the requirements of paragraph 181 of the NPPF and adopted Local Plan policies CS14, CS27 and SP52.

It is noted that a number of the objections received cite air quality impacts as being one of the main causes of concern regarding the proposal, given the sites close proximity to both the M1 and the busy Parkway and Rotherway dual-carriageways. The comments raised in respect of this issue have been acknowledged but given the information submitted by the applicant and the assessment by the Council's Air Quality Officer which confirms there would be no significant impact, the scheme would comply with the relevant national and local planning policies and guidance, as such there is no justification to refuse the application on air quality grounds.

Further to the above, whilst there have not been any substantive changes in air quality legislation and guidance since 2017 that would affect the original AQA, it is noted that since the original AQA was carried out and submitted in 2017, Rotherham and Sheffield Councils have been ordered by Government to produce a Sheffield and Rotherham Clean Air Zone (CAZ) Feasibility Study to present a proposal for approval by Government for reaching compliance with the EU Limit Value by 2021. In addition, there is a proposal to widen the A630 Sheffield Parkway, to increase the capacity of the A630 Parkway between the M1 J33 and the Catcliffe Interchange, lying circa 1.8km to the west of the MSA site.

The applicant has indicated that the original assessment was undertaken through reference to data for 2018 (opening year) and 2030 (design year), whereas any revised assessment would refer to later years and on-going improvements are predicted in background air quality and exhaust emissions. The original assessment concluded that the additional vehicle movements on local roads in the area would result in negligible impacts due to exhaust emissions at all modelled receptors and the overall effects were not considered significant and that assessment remains appropriate and robust in relation to assessing potential air quality impacts and effects associated with the proposed development.

Notwithstanding the above due to the CAZ Feasibility Study and the Parkway Widening Scheme, an update to the AQA was requested taken account of the aforementioned proposals.

A Technical Note was submitted which concluded that the proposed MSA would result in the diversion of a small percentage of the motorway traffic to and from the MSA and on the immediate local road network, but would not

result in additional customer related vehicle movements on the M1 or the wider local road network. Accordingly, from the traffic date the MSA is not predicated to result in any increases in traffic movements on either the identified stretch of A630 subject to EU annual limit exceedance or within the proposed Clean Air Zone (CAZ), and therefore the proposed MSA would not have any material implications on the proposals to meet compliance in the shortest possible time frame with the EU Limit Value for annual mean NO<sub>2</sub>. Further to the above, the Technical Note in respect of the widening scheme concludes that it would not have any material implications on the 2017 AQA, although it is noted that the MSA would make a material contribution towards the delivery of the widening scheme and the wider improvement works ensuring air quality benefits that should arise from it.

The Technical Note has been assessed by the Council's Air Quality Officer and they have confirmed that the Note meets the Council's requirements in terms of addressing Air Quality.

### **Ground conditions**

The NPPF at paragraph 178 states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

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

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

Policy CS27 'Community Health and Safety' states: *"When the opportunity arises remedial measures will be taken to address existing problems of land contamination..."* In addition, it further states: *"New development should be appropriate and suitable for its location. Proposals will be required to consider the following factors in locating and designing new development:*

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability*
- b. Public safety and health risks directly arising from in-situ operations, past mining activity, and/ or from potential indirect or cumulative*



*impacts on surrounding areas, sensitive land uses, and the maintenance of healthy functioning ecosystems.*

- c. *The impact of existing sources of pollution and the potential for remedial measures to address problems of contamination...*"

In 1855 the north western sector of site was occupied by a sandstone quarry with the remaining land being agricultural. In 1892 Harworth Hall and other associated building and structures were located in the north eastern sector of the site, with the quarry use ceasing. The railway line was installed around the 1940s and by 1956 this mineral railway line bisected the site.

The historical maps of 1956 show spoil heaps in the south western section of the site and over time these spoil heaps expand and eventually become annotated as slag heaps. Harworth Hall appears to have been demolished by 1969 and by 1995 the land is shown as open land and the northern portion of the site has been subjected to earthworks to raise ground levels and the southern portion of the land has also undergone earthworks to create an access ramp off the site. Therefore, made ground has been identified as being present on site.

In addition to the above two historical landfill sites are known to have formally occupied the site. Brinsworth Switching Station Landfill occupied land in the western section of the site and Canklow Tip occupied land in the northern sector of the site. Both landfills are recorded as having accepted industrial kinds of waste. Both these landfills could present a source of off-site contamination and landfill gas.

The site investigation works identified some contamination, however insufficient chemical testing of both soils and groundwater was undertaken and no testing for ground gases, asbestos and specified TPH contamination was undertaken. In addition, the investigation did not adequately characterise the ground conditions across the whole site. Furthermore, the south-western area of the northern parcel has been designated as a Coal Mining High Development Rise Area and will require further ground investigation works.

The slag waste deposited should also have been tested for expansion which could potentially impact on structural or service integrity in the future.

The potential sources of contamination which are likely to exist from off-site uses may include the following:

1. Presence of naturally occurring metals in made ground and surface soils at the site.
2. Presence of metals, metalloids, pH, organic substances (including total petroleum hydrocarbons (TPHs) and polycyclic aromatic hydrocarbons (PAHs)).
3. Presence of asbestos containing materials
4. Ground gas associated with made ground at the site.

Based on the above further intrusive site investigations will need to be undertaken to investigate near surface soil and groundwater conditions, to determine the potential risks posed by any contamination and hazardous ground gases to the end uses of the site. Further geotechnical investigations will also be required to determine ground conditions across the entire site and especially within the identified high development risk area.

Some remediation works may be required to ensure the site is suitable for its proposed commercial end use.

It is also anticipated that significant earthworks will be required to create a development platform which involve either the excavation of surplus materials or the import of materials to achieve development profiles to be specified.

Notwithstanding the above, there are no issues with developing this site subject to a Phase II Intrusive Site Investigation being conditioned and submitted before works commence.

The Coal Authority has confirmed that they concur with the recommendations of the Phase I Site Investigation Report submitted with the application, which indicates that coal mining legacy potentially poses a risk to the proposed development and that further targeted site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

In order to ensure that sufficient information is provided to demonstrate that the site is, or can be made, safe and stable for the development proposed a condition shall be imposed as recommended by The Coal Authority. The condition shall require intrusive site investigations and the submission of their findings, along with details of remedial works and / or mitigation before works commence.

Having regard to the above it is considered that subject to conditions, the proposed development would comply with the paragraph 178 and 179 of the NPPF and adopted Local Plan policies CS27 and SP54.

Further to the above the site falls within a Shallow Coal, Fire Clay and Brick Clay Mineral Safeguarding Area and a Sand and Gravel Mineral Safeguarding Area, as such policy CS26 'Minerals' will be applicable in the assessment of the application.

Policy CS26 states: *"Provision will be made for mineral extraction during the Plan period in an orderly and sustainable manner in line with the principles set out..."* It further states that: *"The purposes of Mineral Safeguarding Areas is to ensure resources are protected beyond the plan period, therefore in Mineral Safeguarding Areas there is no presumption that safeguarded resources will be worked but any potentially incompatible development should not sterilise underlying or adjacent mineral resources. All non-mineral development proposals within the Mineral Safeguarding Areas will be encouraged to extract any viable mineral resources present in advance of*

*construction where practicable, and where this would not have unacceptable impacts on neighbouring uses.*

*Proposals for non-mineral development within the Mineral Safeguarding Areas...will be supported where it can be demonstrated that:*

- a. the proposal incorporates the prior extraction of any minerals of economic value in an environmentally acceptable way; or;*
- b. mineral resources are either not present or are of no economic value; or*
- c. it is not possible to extract the minerals in an environmentally acceptable way or this would have unacceptable impacts on neighbouring uses or the amenity of local communities; or*
- d. the extraction of minerals is not feasible; or*
- e. the need for the development outweighs the need to safeguard the minerals for the future; or*
- f. the development is minor or temporary in nature; or*
- g. development would not prevent the future extraction of minerals beneath or adjacent to the site..."*

Notwithstanding the safeguarding notation, the application site is both fragmented, highly disturbed and heavily constrained such that there is no prospect of it ever forming part of a feasible or viable minerals site. The key factors are:

- The site effectively forms 2 parcels of land abutting and lying either side (to the north and south) of the M1 motorway and both parcels have physical boundary constraints, such as neighbouring road networks which are elevated, a Switching Station, power lines and pylons, a railway line and embankments.
- Any prospective mineral extraction within the application site i.e. a lowering of ground levels, would require appropriate stand-offs from the aforementioned roads, railway and electricity infrastructure, in order to ensure the structural stability of these features was maintained. The resultant available working area for mineral extraction (in each parcel) would be extremely small, if indeed it would exist. Further, the depth of extraction (if practicable at all) that would be achievable, cognisant of the foregoing boundary constraints, would be so small, so as to render the prospect of extraction wholly unviable and in practice not feasible.
- In addition, the submitted Groundsure Report notes the site has been subject to historic quarrying, dating back to the late 19<sup>th</sup> Century, and areas of landfill and extensive deposits of slag. Such historic activity further militates against any viable / feasible mineral extraction.

It is for circumstances such as those described above, that Policy CS26 is permissive of non-mineral related development within Mineral Safeguarding Areas, where it can be demonstrated that the extraction of the mineral is not

feasible or viable. Accordingly, and based on the foregoing, it is concluded that the MSA development is not in conflict with Policy CS26.

### **Other considerations**

The issues raised by local residents and groups, businesses and business groups, councillors and the Parish Council have been assessed and taken into account in the determination of the application. The main issues raised centre on need, highways impact, noise light, general disturbance and air pollution, landscape impact, drainage, flood risk and ecology. These issues are deemed to be material planning considerations and have been assessed in the preceding sections of this report. The planning balance is considered further below.

One of the issues raised related to impact on house prices, whilst noted, this is not a material planning consideration. This is due to the fact that it is widely held that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. The basic question when determining an application is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

### **Response to EXTRA MSA's comments**

In addition to the above it is considered appropriate given the close proximity to this site of the application currently with Sheffield City Council for a MSA at J35 of the M1 motorway by Extra MSA to separately assess the comments raised by Extra MSA.

The comments raised by the agents working on behalf of Extra MSA that have been submitted throughout the application process have been considered and taken into account in the determination of the application.

Consideration of the impact of the MSA on neighbouring stakeholders has been considered in this report and it is considered that the improvements to the A630, the roundabout of the A630 / A631 and the M1, would not adversely affect congestion on the highway network, but would improve the current situation, especially with the proposed Parkway widening scheme.

Further to the above, a sensitivity analysis has been undertaken in respect of the growth rates adopted within the Transport Assessment (TA) against a list of known committed developments (agreed with RMBC highways) which would, if developed, route traffic via M1 junction 33. The purpose of the test was to demonstrate that the adopted growth rate was fully robust. The outcome of this exercise demonstrates that the conclusions in the TA are considered to be sound and based on robust traffic figures using agreed TEMPRO growth rates.

This view is corroborated by the sensitivity test which confirms that the growth adopted in the assessment of the MSA accounts for all developments on the agreed list of committed development, notably Sheffield Business Park Phase 4 (RB2018/1988), AMP extension (RB2019/0574), mixed use centre High Field Spring (RB2017/0650) and Waverley New Community (RB2008/1372) . The list includes also a development in Sheffield for the University of Sheffield (S15/01262).

The conclusion is that the growth adopted in the assessment includes for 5.3 times the level of traffic associated with the committed development in the AM peak and 3.7 times the level of committed development in the PM peak.

Accordingly, the information submitted has taken account of committed developments and it is deemed that the scheme can be accommodated within the highway network without having a detrimental impact on future growth of nearby economic developments.

In respect of the site not being viable or deliverable, from the information put forward it has been shown that subject to suitable mitigation it can be delivered and that a safe and satisfactory access can be created and the internal road network is acceptable, as no objections have been raised from Highway Engineers or Highways England.

Extra MSA raised serious concerns relating to the deliverability of the site as a MSA through the Rotherham Sites and Policies Local Plan process. They have stated in their comments that the Inspector concluded that the Junction 33 site should not be allocated in the emerging Local Plan for MSA use.

In respect of the above, the Inspector in their comments on the Local Plan examination had concerns about allocating the site for an MSA, but his main concern was that insufficient evidence had yet been provided to justify allocating the site as an MSA rather than that the site was unsuitable in principle. Paragraph 230 of the Inspectors Report, dated on the Sites and Policies Document is a material consideration and states:

*“MU14: Junction 33 (M1) of Policy SP67 specifies that a motorway service area (MSA) is considered appropriate for this site. However whilst the highway authorities accept that it may be possible to accommodate a MSA at Junction 33 of the M1 this is dependent on the results of yet to be undertaken traffic modelling and associated assessments. Consequently it has not yet been established that a motorway service station in this location is acceptable in highway terms. Given this and the associated uncertainty about deliverability a specific allocation for an MSA here would not be justified. Therefore the reference to a Motorway Service Area in Policy SP67 should be deleted in accordance with **MM41**. Proposals for a proposed MSA here would be determined in terms of Policy SP33 Motorway Service Areas as modified.”*

Therefore as information has now been provided to the satisfaction of the Council and Highways England this concern has been addressed.

In terms of the specific issues raised over the junction modelling, the report prepared by the applicant identifies: *“There are a mix of positive benefits and slight disbenefits to the traffic arising from the introduction of the MSA traffic and associated mitigation measures, with the overall impact being a slight improvement for junction performance when taking account of the measures and the effect of the development traffic. The net effect is therefore a positive benefit overall as a consequence of the development. Overall there is a slight improvement for the average user of the junction with Scenario A in both the 2018 and 2030 design years. For the Scenario B turn in rate, the sensitivity test, in 2018 the impact is effectively neutral on average delays, whilst there is a slight increase in results in the 2030 design year”*

It is on this basis that Highways England specifically has confirmed that the development is acceptable subject to the relevant planning conditions and that their decision in this regard will be in the context of the Policy requirements of Roads Circular 02/13.

In respect of the issue raised in regard to the absence of peak (lunchtime and PM peak 4pm – 5pm) assessment, the applicant has indicated that assessments undertaken are agreed with both Highways England and the Council as the peak assessments required. Whilst it is accepted that the Turn in Rates to MSA is generally a higher percentage of the passing flow in the lunch time period, the absolute figures will not reflect an overall higher assessment of the junction. This is generally as the flows on the motorway will be lower in the middle of the day and hence the Turn in Rates are higher as a percentage of the passing flow.

In practice the flows taken for the motorway within the Updated Transport Assessment were for the highest month of the year (October) and reflected flows in the region of 1.5 times higher than the flows recorded in the middle of the day at that time. Furthermore these flows were taken as the highest flows within the peak hour period for the motorway, and when combined with the peak hour flows for the junction ensured a robust assessment of the junction. Hence the use of these flows is robust and ensures the highest peak hours were assessed. Any assessment of the lunch time peak would have resulted in lower flows overall through the junction.

With regard to the issue raised about “departures from standards”, it is considered that there are no departures from standards within the scheme. The scheme design builds on the work undertaken by WSP for the A630 Sheffield Parkway improvements which is a mandated scheme within the Sheffield City Region Investment Fund (SCRIF) and received Phase 1a approval in autumn 2015. As part of this work it has been necessary to demonstrate the proposals do not affect the constraints identified by Extra MSA’s planning agents, nor do they compromise the SCRIF scheme, and that the works can be delivered within the Application boundary or within highway land.

In respect of the comments raised on Air Quality, these are considered to have been robustly assessed in the Air Quality section of the report.

Finally, the applicant's in response to the latest comments received on behalf of Extra MSA have indicated that many of the issues raised have been previously address in the Technical Note dates 8th April 2019. However, in the context of the Transport Assessment, the applicant summarises that: *"...it is considered that the work undertaken and agreed with both Highways England and the Council together with their respective consultants has provided a robust and detailed assessment of the proposals to ensure that the measures proposed provide safe and suitable access to the MSA and that there is not an unacceptable impact on highway safety as a consequence of the development. Furthermore, the residual cumulative impact of the development is not severe in the context of NPPF. In fact, the overall assessment of the development shows that the mitigation proposed offers a positive benefit to the junction."*

Whilst the comments from the agents of Extra MSA are noted they do not provide sufficient justification to refuse the scheme given the assessment of the proposal in respect of national and local planning policy and guidance.

### Network Rail

The site is located in close proximity to a working railway line and with reference to the protection of the railway line; Network Rail has no objection to the development subject to a number of requirements that must be met, both during the construction phase and in perpetuity. These requirements are standard practice when working and developing a site close to a railway line to ensure there is no damage to the infrastructure and no potential risk to the safety of those using the railway line.

### **Conclusion**

Having regard to the above it is concluded that the scheme is in conformity with the development plan as a whole and would comply with relevant national and local planning policies and guidance. Furthermore, the only reserved matter currently being considered under this outline application (access) is also acceptable for the reasons set out in this report.

In addition, whilst further details will be forthcoming at the reserved matters stage in relation to landscaping, appearance, scale and layout of the development, it is considered that the principle of the development is acceptable, subject to the imposition of suitable conditions, as proposed below.

Therefore, while the objections received are noted and have been fully taken into account, these are not considered to tip the planning balance in favour of a refusal for the reasons set out above.

Accordingly, the application is recommended for approval subject to conditions.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **02, 05, 12, 18, 26, 27, 33 and 34** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **02, 05, 12, 18, 26, 27, 33 and 34** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

### **General**

01

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

#### **Reason**

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

02

Before the commencement of the development, details of the layout, scale, appearance and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

#### **Reason**

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

03



The amenity building shall not exceed 3,200 sq. metres.

Reason

To restrict the retail element of the proposal to that hereby approved in the interest of the security of the vitality and viability of defined centres.

04

The amenity building shall not be subdivided to create individual units of more than 929 sq. metres gross floor space (GIA), unless otherwise agreed in writing with Local Planning Authority.

Reason

To restrict the retail element of the proposal to that hereby approved in the interest of the security of the vitality and viability of defined centres.

Highways

05

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;
- including access strategy,

and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of ensuring the safe and efficient operation of the Strategic Road Network, general highway safety and residential amenity.

06

The development shall not be brought into use until the proposed accesses and highway improvements, including the operation of traffic signals at the exit to A630 Parkway (indicated in draft form on plan reference JNY 9063-31 Revision E), have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

Reason

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

07

The proposed emergency access track from the roundabout shall be gated and utilised in an emergency situation only.

Reason

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

08

Details of on-site traffic signs and road markings shall be submitted to and approved by the Local Planning Authority and the approved details shall be provided before the development is brought into use.

Reason

In the interests of highway safety.

09

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.

### Drainage

10

Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

Reason

To prevent pollution of the aquatic environment and protect the public sewer network.

11

The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment (prepared by Weetwood - Report 3735/FRA/Final/v1.1/2017-07-26), unless otherwise agreed in writing with the Local Planning Authority

#### Reason

In the interest of satisfactory and sustainable drainage.

12

Prior to commencement of development, a detailed sustainable drainage design scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the site is brought into use and shall be thereafter be maintained.

#### Reason

In the interest of satisfactory and sustainable drainage.

#### Landscapes

13

Prior to any above ground development taking place, 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 ongoing maintenance and a schedule of operations.

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.

14

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.

#### Ecology

15

Prior to commencement of construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The Plan should include details of how construction staff will be briefed on badger signs and measures to avoid damage to retained vegetation near the site boundary and to reduce the risks of pollution of water courses.

#### Reason

To ensure there is no risk to ecological habitats during the construction phase.

16

Prior to commencement of construction of works, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The Plan should identify the short and long term management actions required to improve the ecological value of the woodland and provide details of the type and location of bat and bird boxes.

#### Reason

To increase the structural diversity of the woodland, provide opportunities for understory development and increase value to invertebrates, birds and other fauna.

#### Network Rail

17

All surface and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which shall be submitted to and approved in writing by the Local Planning Authority before construction starts on site. The details shall have regard to the following:

- Water must not be caused to pond on or near railway land either during or after any construction-related activity.
- Soakaways for storm or surface water shall not be constructed within 20m of the Network Rail boundary and any new drains shall be constructed and maintained so as not to have any adverse effect upon

the stability of any Network Rail equipment, structure, cutting or embankment.

- Construction of soakaways within an lease area is not permitted.
- Construction of surface water retention ponds / tanks, SuDs or flow control systems should not take place within 20m of the Network Rail boundary, where these systems are proposed to be below existing track level and shall not take place within 30m of the Network Rail boundary where these systems are proposed above existing track level. Full overland flow conditions shall be submitted.

#### Reason

To ensure that the development can be properly drained.

18

Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted to and approved by the Local Planning Authority. The works shall only be carried out in accordance with the approved details before the site is brought into use.

#### Reason

To ensure the development does not affect the rail network.

19

Prior to the site being brought into use details of an Armco or similar barrier shall be submitted to and approved by the Local Planning Authority. The barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. The approved details shall be implemented before the site is brought into use and shall be thereafter be maintained.

#### Reason

In the interests of road / railway safety.

20

Prior to the site being brought into use details of trespass proof fencing, a minimum of 1.8 metres high, on boundaries adjacent the railway to prevent trespassing onto the railway shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the site is brought into use and shall be thereafter be maintained.

#### Reason

To secure the site and prevent trespassing on the adjacent rail network.

#### Amenity

21

The applicant shall install any external lighting to the site to meet the guidance provided by the Institute of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution" This is to prevent obstructive light

causing a hazard to train drivers. This guidance is available from the Institute of Lighting Engineers, telephone 01788 576492.

Reason

In the interests of the amenities of the occupiers of nearby dwellings.

22

Any new lighting shall be shielded to prevent glare or any threat to highway / railway safety or detriment to amenity and the environment. All lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane unless otherwise first agreed in writing by the Local Planning Authority.

Reason

To ensure that lighting does not intrude upon issues of amenity or highway safety having regard to adjoining land uses.

23

Night time working on slip roads/access roads to the site can be taken where necessary to minimise disruption to traffic on the motorway. Night time working shall only be undertaken with the prior agreement of the Council.

Reason

In the interests of the amenity of the locality.

24

Construction working hours would be 07.00 hours to 19.00 hours Monday to Friday and 07.00 hours to 13.00 hours on Saturday. There would be no working outside of these hours or on Sundays or Bank Holidays without prior agreement of the local planning authority.

Reason

In the interests of the amenity of the locality.

25

Prior to their installation, details of the fixed noise generating plant including type, location and noise level shall be submitted to and approved by the local planning authority. An additional noise impact assessment should be provided to assess the cumulative effect of all fixed noise generating plant in operation at the nearest sensitive property boundaries. Noise associated from fixed plant relating to the development on site should be designed such that the cumulative effect of all fixed plant in operation does not exceed 10dB below the representative background sound level (measured in terms of LA90) based on an LAeq (15 minute) assessment period at the nearest sensitive property boundaries.

The approved plant and machinery shall be tested prior to them becoming operational and shall be maintained throughout the life of the development.

Reason

In the interests of the amenity of the locality.

### Land Contamination

26

Prior to development commencing a Phase II Intrusive Site Investigation and subsequent Risk Assessment must be undertaken by competent persons to fully assess the ground conditions on site 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).

The Site Investigation Works should also be undertaken in accordance with sections 5.8.3 – 5.8.5 and 6.3.1 – 6.3.2 of the report entitled 'Proposed Motorway Service Area – Junction 33, M1 Motorway, Rotherham – Phase I Site Investigation Report' – prepared by TerraConsult Ltd, dated 17/07/2017, reference 3197/01.

#### 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.

27

Subject to the findings of item 26 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. 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.

28

If any major earth movements are required at the application site, then these works will need to be undertaken in accordance with a detailed earthworks/materials management plan to be submitted for review and comment, to ensure that the geotechnical and contamination risks will be managed appropriately.

#### 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

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.

30

Prior to development if subsoils / topsoils 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. The results of testing will need to be presented within a Verification 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.

31

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.

32

Details of the quality of soils on site and their movement and temporary storage during construction shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

#### Reason

In order to preserve and enhance identified soil functions and to minimise dust issues associated with the temporary storage.

33

Prior to the commencement of development a scheme of intrusive site investigations, designed by a competent person to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity, shall be undertaken. A report of the findings from the intrusive site investigation and any remedial works and / or mitigation measures considered necessary shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Any remedial works and / or mitigation measures required shall be implemented before commencement of development.

#### Reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and migratory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

#### Trees

34

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and

hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- A plan\*\* detailing all trees and hedgerows planned for retention and removal.
- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A Tree protection plan\*\* in accordance with BS5837\* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

\*Using the most recent revision the of the Standard

\*\* Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

#### Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved. The scheme shall include the following comprehensive details of all trees to be planted:

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

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

#### Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

### **Informatives**

01

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.

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

02

Due to the high proportion of habitats likely to be used by breeding birds within the Site for example areas of bramble under-scrub and tall herbs avoidance of site clearance during the bird breeding season (April to August) will be necessary to maintain compliance with bird protection legislation. For many areas of the site it will not be sufficient to specify a preclearance checking survey, since there is a high risk that nests would be found.

03

The applicant is advised that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 2 part B5 section 16.

04

Water supplies for firefighting purposes should be in accordance with Building Regulations Approved Document B volume 2 part B5 section 15.

05

The Environment Agency recommends you should

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the contaminated land pages on GOV.UK for more information.

06

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

07

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials -

Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

08

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does NOT include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort

(including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)) or via the contact details at the top of this response.

09

Given the position of the site and in particular the proposed access road along the railway boundary and under the motorway bridge, it is imperative that the development liaise with Network Rail's Asset Protection Team ([assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk)) prior to work commencing on site. It is essential that the proposed scheme is discussed and agreements reached to ensure that work can be carried out safely and without impact to the safety of the operational railway infrastructure.

10

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossing, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges culverts, retaining walls and other structures supporting railway live loading.

11

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution. No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets / systems without Network Rail's written permission. The development should ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton ([matthew.shelton@networkrail.co.uk](mailto:matthew.shelton@networkrail.co.uk)) for further information and assistance.

12

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

13

All excavations / earthworks carried out in the vicinity of Network Rail property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary works compounds

are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.

14

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

15

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, YO1 6JT Email: [assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk) for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

16

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, YO1 6JT Email: [assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk). The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

17

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

18

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be

no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

19

Network Rail's existing fencing / wall must not be removed or damaged.

20

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

21

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

22

The application site contains Japanese knotweed. This is a highly invasive plant, the treatment of which must comply with Section 14(2) of the Wildlife and Countryside Act (as amended) 1981 and sections 33 and 34 of the Environmental Protection Act 1990. It is advised that the Council's Neighbourhoods Service (Tel: 01709 823172) or the Environment Agency (Tel: 0113 2440191) is contacted to provide advice on how it should be treated and / or disposed of.

The Code of Practice for the Management, Destruction and Disposal of Japanese Knotweed on development sites can be found on the Environment Agency website:

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

23

The parking facility would benefit from being designed to "The Safer Parking Scheme" standard. [www.saferparking.com](http://www.saferparking.com)

24

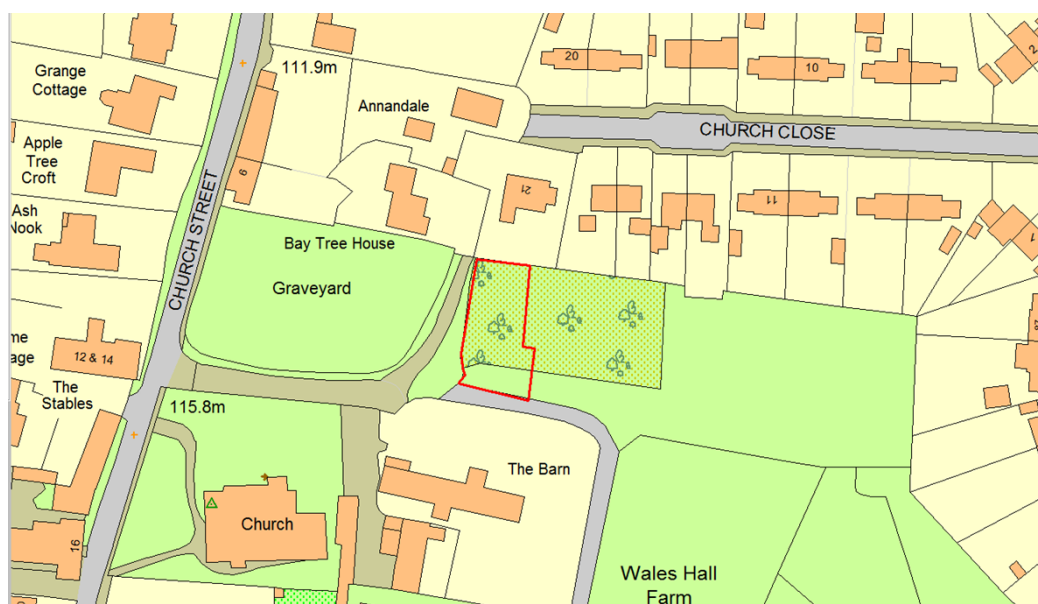
Doors and windows should be to Secured by Design standards. [www.securedbydesign.com](http://www.securedbydesign.com)



## POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2019/0341</b>
<b>Proposal and Location</b>	<b>Formation of private burial ground on land off Church Street, Wales</b>
<b>Recommendation</b>	<b>Grant conditionally</b>



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

### Site Description & Location

The site of application is a vacant area of greenspace close to the Grade II\* St John's Church and within the Wales Conservation area. The land is currently overgrown with a number of trees to the edge of the site and a shipping container with builder's rubble to the centre of the site. To the north of the site is the rear garden area of 21 Church Close whilst to the west is an area of graveyard and open space associated with the Church. To the east is another area of Green Space whilst to the south across an access drive are three residential properties also accessed from Church Street.

It would appear that the site has been partially used as a builder's yard without permission over recent years.

## **Background**

RB1990/0279 - Outline app for erection of 4 oap bungalows - REFUSED

## **Proposal**

The application seeks permission to form a private burial ground for some 20 plots for family members. The burial ground is to be set in area of Green Space adjacent to the existing St John's Church graveyard. Access is via a shared private drive which also serves three private dwellings set behind the Church. A 1m wall would be erected on the boundary of the site and a 1.8m high close boarded timber fence would be erected on the rear boundary with 21 Church Close so as to prevent any overlooking of that garden area from the site. New stone posts and timber gates would be erected at the entrance to the site. A small parking area would be formed at the entrance to the site but could only accommodate approximately 2/3 cars. Small timber bollards are also to be provided to prevent indiscriminate parking under the trees on site.

During the course of the application the plans have been amended by reducing the area where the burials would take place, so reducing the potential impact on existing trees on the site.

The applicant's Design & Access Statement states that:

- The site of the burial ground is adjacent the Church of St. John The Baptist and the surrounding land is mainly residential. As the application is for a private burial ground it is not out of keeping with the character of the surrounding Church and buildings. The boundary walls will be rebuilt in their original position in natural stone same as the adjacent stone boundary walls. The work will ensure that a positive contribution is made to the listed building.
- As the application is for a burial ground in an established burial and residential area it is considered that this would not be an issue of concern for local residents. It is proposed that the statutory level of consultation as part of the planning application process will be sufficient involvement with the community considering the scale of this development.

Greenspace Assessment:

- The use itself would not result in the loss of the green space but would rather retain the appearance of the area as green space. The necessary works, including the felling and replanting of trees, would not detract from the function of the green space as protecting the setting of the Church and the trees within the Conservation Area.

#### Tree Report:

- There is one group of five trees and six individual trees included in this report.
- All but one of the trees are included in the lowest retention category (C). Tree 7 is the oldest and most significant tree and is included in retention category B. The report notes that Trees 2, 3, 4 and 5 will need to be removed to accommodate the proposed layout, though following amendments to the layout of the burial ground area, reducing its overall area, only trees 4 and 5 will now need to be removed (which are fruit trees planted by the applicant). The applicant has indicated that 1 new tree would be planted as a replacement.

#### **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted on 27/06/18). The site is within a Green Space Allocation and within the Wales Conservation Area and the following Policies are considered to be relevant.

Core Strategy policy(s):

CS19: 'Green Infrastructure'  
CS22 'Green Space'  
CS28 'Sustainable Design'

Sites and Policies Document:

SP38 – Protecting Green Space  
SP41 – Conservation Areas  
SP55 - Design Principles  
SP56 - Car Parking Layout

#### **Other Material Considerations**

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

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

#### **Publicity**

The application has been advertised in the press and on site as affecting the Wales Conservation Area and twice by way of individual neighbour notification

letters to adjacent properties. 6 letters objecting to the application have been received from neighbouring properties stating that:

- The application is inappropriate as it is surrounded by residential dwellings and would affect the character/appearance of Wales Conservation Area in this location.
- The proposed new burial ground cannot be compared to the existing graveyard which is no longer used.
- I feel that this is the first steps being taken by the applicant to make this a commercial enterprise and not just a family burial ground, this would set a precedent if passed for him to develop further land that he owns in the immediate area for the same purpose.
- Although 3 spaces are allocated on the plans, there is no turning circle within the proposal, once a hearse, cars etc., are on site, the only way off the site would be by reversing and using the drives of the existing properties, increased traffic would be totally inappropriate.
- Over the last 20 years plus the access to the site has been maintained by the four mentioned properties at their expense with no contribution by the applicant.
- The site currently houses a large container and has previously had cars, trucks etc., as well as surplus builders waste, would this have contaminated the land? Over the past few months large amounts of top soil have been deposited on the site, the application states no work has commenced. The removal of 6 trees would completely change the appearance and nature of the area, giving full view to residential dwellings.
- Who will be maintain the site, the applicant has clearly stated to me and others that he will be buried on the site, who would then take over the management of the site?
- The proposed access is shared with adjacent dwellings.
- The applicant has included land within the application site which is within the ownership of No.21 Church Close.
- The site area of the amended scheme is larger than the previous submitted scheme.

4 people have requested the Right to Speak, including the applicant.

### **Consultations**

RMBC - Streetscene Highways – No objections subject to appropriate conditions

RMBC Streetscene Tree Service Manager – No objections to amended scheme which retains trees and provides protective bollards.

Environment Agency – No objections

Natural England – No objections

### **Appraisal**

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

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

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

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

- The principle of the development.
- The impact upon traffic and highway safety.
- Layout and appearance.
- The impact upon neighbouring amenity.
- The impact on trees.
- Other matters raised by objectors.

The principle of the development:

The land is allocated as Green Space in the Local Plan, and Policy CS22: Green Space, states; "the Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected.

Rotherham's green spaces will be protected, managed, enhanced and created by (amongst other things):

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development."

Policy SP38 – Protecting Green Space, states: "Existing Green Space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect the existing and potential Green Space needs of the local community. The assessment will consider the availability of sports pitches,

- children's play areas and allotment provision, to determine existing deficits and areas for improvement; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss.

These criteria will not apply to Green Space that performs an irreplaceable amenity or buffer function. All proposals that are the subject of a planning application for development on land designated as green space should be assessed in terms of the site's ability to perform amenity or location specific buffer functions. Sites that effectively perform such functions will be protected from future development as it is considered that their loss cannot be compensated for given the location, purpose and function of the allocation.

Development proposals will be required to demonstrate how any likely negative impact on the amenity, ecological value and functionality of adjacent Green Space and other Green Infrastructure within the immediate vicinity has been mitigated.

Development proposals will be required to demonstrate how any likely negative impact on the amenity, ecological value and functionality of adjacent Green Space and other Green Infrastructure within the immediate vicinity has been mitigated."

Policy CS19: Green Infrastructure "Rotherham's network of Green Infrastructure assets', including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough."

The proposed amended scheme retains existing trees on site as well as providing replacement planting for a tree recently removed on the boundary with No.21 Church Close (the tree was positioned just outside of the Conservation Area and as such consent was not required to fell it).

The use of the land as a graveyard reflects the adjoining graveyard use surrounding the Church and such a use preserves the open green character of the site. No structures are proposed except for small memorial headstones and the low boundary walls. The low key use maintains the green infrastructure role of the site of retaining the visual relief in an otherwise built up area and allowing routes for wildlife.

As such the proposed use is in accordance with Policies CS19: 'Rotherham's network of Green Infrastructure assets', CS22 'Green Space' & SP38 'Protecting Green Space'.

The impact upon traffic and highway safety:

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

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

The scheme has been designed to provide 2 off street parking spaces at the entrance to the site. Small timber bollards are also to be provided to prevent indiscriminate parking under the trees on site.

The objectors have raised concerns relating to the use of this shared private drive for funerals which could attract a large number of visitors.

The applicant's agent has confirmed that the applicant has a right of vehicular access over the land. Furthermore the applicant has provided two spaces on site for visitors to the cemetery and for use during funerals. The area also has a long history of funerals and events linked to the adjoining church, with parking primarily within the public highway during these events. Furthermore the annual number of funerals will be low and such events would not be regular.

As such the level of parking proposed is considered acceptable for the proposed use.

#### Layout and appearance

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

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

SP41 Conservation Areas states: "Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles (amongst others):

- a. developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings;
- c. spaces, street patterns, views, vistas, uses, trees and landscapes which contribute to the special character or appearance of a Conservation Area will be safeguarded.
- d. depending on the scale of the development and when deemed necessary, developers will be required to submit character statements to assess the impact of the development upon the character and appearance of the Conservation Area and to minimise the effect of development proposals through careful consideration of their design."

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

The proposal involves only a small number of new additions to the site including low stone walls, bollards, parking spaces and the future headstones. These features are necessary for the site's use and low rise and in keeping with its setting within and area of greenspace and the Wales Conservation Area. In addition the scheme improves the existing appearance of the site which has been used recently as a builder's yard, albeit without consent.

As such the scheme accords with the policy and guidance referred to above.

#### The impact upon neighbouring amenity:

Turning to the issue of residential amenity, the NPPF, at paragraph 17 states 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. "Amongst these 12 principles, it further goes on to state that: "...planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

The burial ground use is a low intensity use with only the occasional funeral taking place. No large structures are proposed and 1.8m screen fencing is proposed on the rear boundary with 21 Church Close that would prevent any overlooking of that garden area from the site. As such the impact upon neighbouring amenity is considered to be acceptable.

#### The impact on trees:



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

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

The applicant has worked with Officers to retain the majority of trees on the site, by amending the layout. Two trees are to be felled which are low quality fruit trees planted by the applicant and not suitable for retention. The applicant has also agreed to provide bollards around the trees to the front to prevent indiscriminate parking which could harm the trees.

The applicant has agreed to a maximum of 20 plots within a specified area within the site to prevent any harm to tree roots and to prevent future demands to fell trees on site.

Finally the applicant has agreed to plant an additional tree on site to compensate for a tree recently felled on the boundary with No.21 Church Close. This has been specified on the plan and will improve existing tree coverage in the area.

#### Other matters raised by objectors

An objector at No.21 Church Lane has indicated that the red edge boundary is incorrect and includes land within their ownership. The applicant has amended the red edge boundary so that none of No. 21's land is included within the application site.

The applicant has indicated that the site is for personal and family use of the applicant and not to be used by the general public. Objectors have raised concerns that the burial ground may be used by the general public overtime and not just as a family graveyard. It is not considered reasonable to condition a personal use as the impact upon neighbouring amenity from general public use would be no different. In addition conditioning a personal use would be difficult to enforce.

Objectors have raised concerns that the applicant does not help with maintenance fees for the private road, which is used to access the site. This is a civil matter between the parties and not a material planning consideration.

#### **Conclusion**

The proposed burial ground use is acceptable within the location and will not harm neighbouring amenity, highway safety or compromise the tree coverage on site subject to the recommended conditions below.

### **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.

Reason

To define the permission and for the avoidance of doubt.

03

The bollards shown on the approved site plan shall be installed prior to the burial ground being brought into use and thereafter retained.

Reason

To protect the existing trees within the site.

04

Details of the size and species of tree to be planted on the boundary with No.21 Church Lane shall be submitted to and approved by the Local Planning Authority and the approved tree shall be planted within the first available planting season following the commencement of development on site. Should the tree die, be removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, it must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree of the same size, species and quality as previously approved.

Reason

In the interests of the existing character of the area and to improve tree coverage.

05

Details of the materials, height and location of the stone boundary walls shall be submitted to and approved in writing by the Local Planning Authority and no construction of the boundary walls shall take place until a suitable foundation specification has been submitted to and approved by the Local Planning Authority. The foundation details shall include the following:

- Details of the size and depth of bore hole to create the piles.
- Location of the piles will be decided through hand dug trial pits to ensure no significant roots are present (to be done under arboricultural supervision)
- All piles will be sheathed to prevent the leaking of concrete that may poison the adjacent trees.
- The specification should not require digging down below ground-level (beyond the creation of the piles) or otherwise disturb the existing ground-level.

Reason:

In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of amenity for the area.

06

No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority.

Any trees/shrubs/hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees/shrubs/hedge plants or similar species capable of achieving a comparable size unless the Local Planning Authority gives written consent to any variation.

Reason:

To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area.

07

The burial ground hereby approved shall include a maximum of 20 burial plots and shall not exceed this number unless otherwise agreed in writing by the Local Planning Authority. All burial plots shall be positioned within the area identified on the approved site plan.

Reason

In the interest of the character of the area and to prevent harm to the trees within the site.

08

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.

09

Before the development is brought into use a 1.8m close boarded fence shall be erected on the northern boundary of the site, as shown on the site plan, and thereafter retained/maintained.

Reason

In the interests of the amenity of the occupiers of adjacent residential properties.

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.

<b>Application Number</b>	<b>RB2019/0821</b>
<b>Proposal and Location</b>	Demolition of existing club and erection of 6 No. bungalows & 8 No. apartments with associated parking, formation of access road, associated infrastructure & external works, Rawmarsh Sports & Social Club, Willowgarth, Rawmarsh.
<b>Recommendation</b>	<p>That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <p>A Commuted sum of £40 000 towards affordable housing in the area.</p> <p>B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>



This application is being presented to Planning Board as it is a Major development and does not fall within the scheme of delegation.

### Site Description & Location

The site comprises of a building that was previously used as the Rawmarsh Progressive Sports and Social Club.

The building is set in the western side of the plot and was extensively fire damaged in early 2019. The building has permission to be demolished but the structure still remains.

The site is approximately 0.6 Hectares in area with land levels generally flat across the site.

There is an existing vehicular access onto Willowgarth on the eastern side of the site and a pedestrian access to the west of the site though this is now closed.

## **Background**

The site has the following relevant planning history:

RB2005/2141 – Demolition of existing building and erection of residential development comprising 5no. three storey dwellinghouses and 8no two storey dwellinghouses – granted

RB2018/0096 – Outline application for demolition of existing sport & social club and erection of 10 No. dwellinghouses including access & layout – granted

RB2019/0900 – Application to determine whether prior approval is required of the method of demolition and restoration of the site re: demolition of Rawmarsh Progressive Sports & Social Club – granted

### Environmental Impact Assessment

A screening opinion is not required for this development as it does not meet the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### Community Infrastructure Levy

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

## **Proposal**

This is a full planning application for a new residential development.

The development would provide a total of 12 new dwellings in a mix of 8 no. 2 bedroom apartment properties in a single block. The remaining properties are bungalows.

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

### Design & Access Statement

Development of the site will bring the following benefits for the local area:

- The provision of much needed Affordable housing within the urban area of Rotherham (though these do meet the definition of Affordable Housing).
- The development of a quality residential environment, well related to the existing residential area;

- Residents will be encouraged to use non-car modes of transport due to close proximity of local facilities within easy walking distance.
- Re-use of a currently derelict site and demolition of a derelict and fire damaged building on the site.
- This list is not exhaustive, however it does provide an indication of the principal benefits that will result from the proposed development.

#### Transport

- Access to the site will be by a new location directly off Willow Garth, which will provide suitable vehicular and pedestrian access into the application site.
- A new dropped kerb vehicular access from Willow Garth is proposed to support new access.
- Parking for 1 car parking space has been allocated per dwelling / apartment with the addition of 3 disabled parking spaces to serve bungalows 09-11.
- In addition, there are an additional 4 parking spaces to allow for visitors to the apartments (50% of the number of apartments). The overall allowance is generally to align with the Rotherham Metropolitan Borough Council 'Transport Assessments, Travel Plans and Parking Standards Good Practice Guidance - October 2014'.

#### Tree Survey

- Indicates that there are no trees within the site area, though T2 is on the eastern boundary.
- A total of 9 trees lie just outside the site, the majority of which are sycamores and all of these trees are within the C2 category.
- The main area of trees lie to the south of the site in the central area.

#### Wildlife Survey

- Weddle Landscape Designs have carried out a Preliminary Bat Appraisal of the site and have assessed the buildings to have a low potential for roosting bats.
- The dusk emergence survey was carried out on 15th May 2019. This report outlines the findings of that survey and makes appropriate recommendations.
- One dusk emergence survey was therefore undertaken on the buildings and during that survey no bats were seen to emerge.
- A low level of foraging activity was identified during the survey confined to Common Pipistrelles predominantly around the woodland edge south and southwest of the site.
- No roosting bats were identified during the dusk emergence survey and therefore there is no requirement for a mitigation strategy or for a Natural England licence in connection with the proposed development.
- Nevertheless, individual bats can seek temporary shelter almost anywhere and therefore it is recommended that demolition of the existing buildings is undertaken with due care. In the unlikely event a bat is found, the bat should be covered and protected, work should

cease at that location and the undersigned should be contacted for further advice.

- In order to provide biodiversity enhancements in line with the NPPF, it is recommended that at least two integrated bat bricks are installed in the new dwellings to be built on the site

#### Drainage

- A Drainage Strategy has been submitted.

Following initial concerns with the design and layout, in particular the potential for overlooking from the apartment blocks as well as the limited amenity areas to the bungalows, the scheme has been modified. The current design now shows an L-shaped block with the frontage nearer the highway.

### **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

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

#### **Core Strategy Policies**

CS1 Delivering Rotherham's Spatial Strategy  
CS3 Location of New Development  
CS6 Meeting the Housing Requirement  
CS7 Housing Mix and Affordability  
CS14 Accessible places and Managing Demand for Travel  
CS20 Biodiversity and Geodiversity  
CS25 Dealing with Flood Risk  
CS21 Landscape

#### **Sites and Policies**

SP26 Sustainable Transport for Development  
SP32 Green Infrastructure and Landscape  
SP47 Understanding and Managing Flood Risk and Drainage  
SP52 Pollution Control  
SP55 Design Principles  
SP56 Car Parking Layout

### **Other Material Considerations**

South Yorkshire Residential Design Guide.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this



planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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

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

The revised NPPF came into effect on July 24<sup>th</sup> 2018. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

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

## **Publicity**

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. Following the amended plan, additional consultation letters were sent out. No representations have been received.

## **Consultations**

RMBC

Transportation Infrastructure Service – no objections to the revised layout subject to the imposition of conditions

Drainage – no objections subject to conditions

Ecologist – no objections subject to conditions

Environmental Health – no objections subject to conditions

Affordable Housing Officer – no objections subject to a legal agreement to secure an off-site contribution of £40 000.

Tree Officer – no objections with amended scheme

Yorkshire Water – no objections subject to conditions

Education – no S106 contributions requested

NHS – sufficient places are available in the locality

Police – Overall no objections. A number of recommendations to the design of the scheme are made to minimise potential crime which are attached as an Informative.

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Design and layout
- Impact on neighbouring amenity
- Highway Safety and Transportation Issues
- Flood Risk and drainage
- Affordable Housing and Planning Obligations
- Impact on Trees

### Principle of development

The site is allocated for residential purposes and has previously had an outline permission for 10 No. dwellinghouses approved in 2018 which is live until 2021. The existing building is severely fire damaged and vacant and has not been used as a private members club since approximately late 2018.

It is considered that to bring the land back into a productive use would be beneficial for the area and the principle of residential development which would contribute towards the boroughs housing needs is considered acceptable. The main considerations will be the design, highway layout, Affordable Housing provision, landscaping and impact on surrounding trees will be considered in more detail below.

### Design and layout

Policy CS28 'Sustainable Design' states, in part, that: *"Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping..... Design should take all opportunities to improve the character and quality of an area and the way it functions."* This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

Policy SP55 'Design Principles', states, in part, that: *"All forms of development are required to be of high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings"*.

The NPPF at paragraph 124 states, in part, that: *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 130 adds, in part, that: *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."*

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The proposal is considered to achieve an acceptable balance between efficient land use of the site, whilst safeguarding spacing standards and outside amenity areas. From a landscaping perspective, the revised layout is now considered to be an improvement to that originally submitted providing an acceptable mix of hard and soft landscaped areas with green buffers to of all the external site boundaries.

#### Impact on neighbouring amenity

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

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

The proposed residential units on this phase of development comprise of a mixture of bungalows and apartments which are 2 storeys in height. The site is located adjacent to existing properties and the overall scale of the development is similar to that previously submitted as well as that which currently exists in the surroundings. This is considered to be of an appropriate scale that is representative of the character of the surrounding area.

With regard to the impact of the proposal on the amenity of future residents of this development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties and 77sqm for 3 bed properties. All of the indicative house types proposed are shown to adhere to these space standards and each dwelling will have private rear gardens or a shares amenity space for the apartments.

The revised plans show that the plots have an outlook of at least 10m between the different plots and the location of the apartments has an outlook greater than this to any adjacent sites. This meets the standards set in the SYRDG and is considered a sufficient distance to prevent the adjacent land from being sterilised or unfairly constrained from future development.

The apartments are designed to prevent internal overlooking from outlooks within the complex with the creation of an “Oriel window” with opaque panel screen. This will allow both windows an unrestricted outlook over the amenity area whilst preventing future occupiers from viewing into other units.

Having regard to all of the above and on balance, it is considered that the amended layout and design of the proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

#### Highway Safety and Transportation Issues

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

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

Policy SP26 ‘Sustainable Transport for development’ states, in part, that *“Development proposals will be supported where it can be demonstrated that:*

- a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and*

*inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*

*b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;*

*c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*

*d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access.”*

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

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users;*

*and*

*c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

In general, the site has good access to public transport and local facilities, being within easy walking distance to the main retail centre of Rawmarsh. The site is also within a long established residential estate.

Taking all of the above into consideration, it is considered that this application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14 and SP26 and guidance within the NPPF.

#### Flood Risk and drainage

The application site lies within a low risk (Zone 1) Flood Risk Zone but is within a known surface water flood risk area.

Policy CS24' Conserving and Enhancing the Water Environment' states:

*“Proposals will be supported which:*

*a. do not result in the deterioration of water courses and which conserve and enhance:*

*i. the natural geomorphology of watercourses,*

- ii. *water quality; and*
  - iii. *the ecological value of the water environment, including watercourse corridors;*
- b. *contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies*
- c. *manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;*
- d. *improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,*
- e. *dispose of surface water appropriately according to the following networks in order of preference:*
  - i. *to an infiltration based system wherever possible (such as soakaways)*
  - ii. *discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)*
  - iii. *discharge to a public sewer."*

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

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

*"The Council will expect proposals to:*

- a) *demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;*
- b) *control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) inappropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and*
- c) *consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties."*

Additional details relating to the proposed drainage of the site have been submitted in the form of a drainage strategy in support of this application. These plans have been assessed by the Council's Drainage Engineers who have confirmed they do not anticipate any drainage or flooding issues which cannot be resolved. Accordingly it is considered that these issues can be secured via suitably worded conditions.

Likewise Yorkshire Water have raised no objections, subject to standard conditions.

### Noise Issues

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

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

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

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

Environmental Health have raised no concerns on noise issues or pollution grounds.

### Affordable Housing and Planning Obligations

Policy CS7 'Housing Mix and Affordability' states in part, that: *"Sites of 15 dwellings or more..... shall provide 25% affordable homes on site."*

In this case the applicant has confirmed that the houses will be managed by a Registered Provider Hilldale Housing Association on a 21 year lease. However, a 21 year lease does not fulfil the requirement for affordable housing in perpetuity so a commuted sum has been sought. As this scheme is less than 15 dwellings but more than 10 the policy does allow for the payment of a commuted sum in lieu of on-site delivery of affordable housing. This is payable on units 11, 12, 13 and 14 at £10,000 per unit giving a total cost of £40,000. This commuted sum will be provided through a Section 106 agreement. This satisfies the Affordable Housing Officer's requirements.

The NHS and Education Team have confirmed that additional planning obligations would not be sought for this development.

This is in addition to Community Infrastructure Levy (CIL) payments. Overall the proposal is considered to fully comply with Core Strategy Policy CS7 'Housing Mix and Affordability' as well as the advice within the NPPF.

### **Impact on Trees**

Whilst there are no trees within the defined site area the Tree Officer initially raised concerns about the potential impact on the trees immediately to the south of the site from the apartment block. The revised layout which moves the apartment block further forwards in the site and away from the southern boundary is considered to be preferable. This layout will now reduce any potential impact on the tree roots (as well as providing an improved outlook) and is considered acceptable.

### **Conclusion**

The principle of residential development on this site on a site allocated for residential purposes in the Local Plan with an extant live permission is considered to be acceptable. The revised layout of the site is considered to offer an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling.

A mix of dwelling types and sizes have been provided with an appropriate contribution to affordable housing provision.

There are no objections to the proposals from the Council's Transportation Unit following the revised access layout.

The application site is not located within a recognised Flood Zone and the amended drainage details address the Drainage Officers initial concerns. In terms of the landscaping within the site, the applicants have submitted acceptable layout plans which show a good mix of hard and soft landscaping features.

### **Conditions**



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

Reason

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

02

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

(Drawing numbers (location plan, revised site plan 19 / 2199 / (02)002 Rev F, elevations bungalows 09-11 19 / 2199 / (02)006 Rev C, 12-14 19 / 2199 / (02)005 Rev A, apartments revised layout 19 / 2199 / (02)004 Rev C, street scene 19 / 2199 / (02)003 Rev D)(Received 03/07/19, 14/10/19, 05/11/19, 11/11/19)

Reason

To define the permission and for the avoidance of doubt.

03

No above ground 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 Local Plan Policies and the NPPF.

04

No above ground 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 occupation of the first dwelling.

Reason

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

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 revised 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

Construction of roads or dwellings shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to a maximum of 13 litres/second;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development. This plan shall include maintenance of the watercourse at the boundary of the site.

Reason

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

08

Construction of roads or dwellings shall not begin until an updated topographical survey and site plan have been submitted to and approved in writing by the Local Planning Authority. The survey shall extend to the full

width of the watercourse on the site boundary and the site plan shall show the precise location of the any proposed structure within 5m of the top of the near bank.

**Reason**

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

09

Construction of roads or dwellings shall not begin until a flood route drawing has been submitted to and approved in writing by the Local Planning Authority. The drawing shall show how exceptional flows generated within or from outside the site will be managed, including overland flow routes, internal and external levels and design of buildings to prevent entry of water. The development shall not be brought into use until such approved details are implemented.

**Reason**

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

10

No building or other obstruction shall be located over or within 4 metres either side of the centre line of the 675mm public sewer i.e. a protected strip width of 8 metres that crosses the site. No trees shall be planted within 5 metres of the sewer. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken. Furthermore, no construction works in the relevant area (s) of the site shall commence until measures to protect the aforementioned sewer have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

**Reason**

In order to protect public health and allow sufficient access for maintenance and repair work at all times.

11

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.

12

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

**Reason**

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

13

Prior to the occupation of the first dwelling, 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 the Local Plan

14

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 accordance with the Local Plan.

## Informatives

01

YW notes from the submitted details that the developer intends to drain surface water to soakaway.

02

South Yorkshire Police indicate that the apartment buildings should have well defined defensible space around them. The bins should be secured to avoid attempted arson attacks. All landscape should be kept low below 1m and trees to have no foliage below 2m. All external paths and car parking areas should be well lit with an LED lighting scheme and to standard BS5489 with no dark areas.

## 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.

<b>Application Number</b>	<b>RB2019/1343</b>
<b>Proposal and Location</b>	Siting of a 50MW battery storage facility consisting of 22 battery containers, 24 inverters, 13 transformers, 3 T-boost stations, 2 back-up generators, customer substation, control room, 66kv switchgear equipment, welfare & storage containers and 2.4m security fencing for a temporary period of 31 years at Nether Moor Field, Green Lane, Thurcroft
<b>Recommendation</b>	<b>Grant subject to conditions</b>



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

### **Site Description & Location**

The application site is an open field located to the south of the existing Thurcroft electricity sub-station site, and to the rear of an existing agricultural building, that is also owned by the applicant. Across Green Lane to the west is a commercial dog kennels whilst to the south and east are open fields.

### **Background**

There has been one previous planning application submitted relating to this site:

RB2017/1426 – Small scale electricity battery storage facility consisting of 25 No. 2MW battery containers and 10 No. 2MW Inverters, plant & substation, 2.4m security fencing and external works – Granted Conditionally by Members on 15 January 2018

A planning application for a similar battery storage facility (50MW capacity) on land off Moat Lane, just to the north of the Thurcroft substation site, reference RB2017/1717 was refused and dismissed at appeal.

This current application is seeking alterations to the previously approved scheme.

## **Proposal**

The application seeks full planning permission for the construction of a grid-scale battery storage system and associated infrastructure, to provide 50MW of battery storage. This would consist of the provision of 22 battery containers (15.2m x 2.4m x 4.7m), 24 inverters (2.7m x 1.5m x 2.5m), 13 transformers (2.6m x 2.6m x 3m), T-boost 3 stations (2.5m x 2.8m x 2.3m), 2 back-up generators, customer substation (3.5m x 2.5m x 3m), 66kv switchgear equipment, control room (6m x 2.4m x 2.59m), welfare & storage container (9.1m x 2.4m x 2.59) and 2.4m high security fencing.

The majority of the buildings will appear as containers either raised from the ground on bricks / blocks or on the ground. The buildings would be sited both sides of the internal access road and they would be spaced out around the whole site.

The security fencing will be of a paladin style and shall be 2.4 metres high. The fence will be either powder coated in green or black.

Access to the site would be via the existing access to the adjacent agricultural building off Green Lane and onto a private owned track, there would be an internal road within the site with a turning facility.

The use of the land is proposed for a temporary period of 30 years.

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

### Planning Statement

The statement provides information on the site, proposal, environmental impacts and planning policy implications.

### Noise Impact Assessment

The assessment has considered the calculated road traffic emissions which is affecting the nearest noise sensitive receptors. The assessment has shown that the specific sound source is expected to have a noise emission below the calculated traffic noise affecting the nearest noise sensitive receptors.

### Ecological Assessment

The survey area was searched for evidence of badgers, bats and birds and nearby watercourses that could be habitats to Water Voles and Great Crested Newts.

The report confirmed that the development will have a low ecological impact and would not impact on the local wildlife.

It further notes a loss of hedgerow will be compensated for by planting new sections on the site and provides further mitigation in the form of any works that could affect birds being carried out outside of bird nesting season. In addition in respect of GCN while no evidence has been documented of them being on site, before works commence a hibernaculum will be created on adjacent land within the applicant's control.

The assessment provides details of biodiversity enhancement measures which will include new planting of hedgerows and other native species.

### **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

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

Local Plan policy(s):

CS4 'Green Belt'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscape'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS30 'Low Carbon and Renewable Energy Generation'  
SP2 'Development in the Green Belt'  
SP32 'Green Infrastructure & Landscape'  
SP33 'Conserving and Enhancing the Natural Environment'  
SP52 'Pollution Control'  
SP55 'Design Principles'  
SP69 'Utilities Infrastructure'

### **Other Material Considerations**

National Policy Statement for Energy (EN-1).

Upgrading Our Energy System: Smart System and Flexibility Plan 2017 (BEIS and Ofgem).



The Secretary of State for Energy and Climate direction for UK energy policy – November 2015.

### National Planning Practice Guidance (NPPG)

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

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

### Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

### Consultations

RMBC - Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC - Landscape Design: No objections subject to conditions.

RMBC – Ecologist: No objections subject to conditions.

RMBC – Drainage: No objections subject to conditions.

National Grid: No comments received.

### Appraisal

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

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

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

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

The main considerations in the determination of the application are:

- The principle of the development, including impact on openness and whether any very special circumstances exist
- Impact on character and appearance of the area, and impact on local landscape
- General amenity
- Highways
- Drainage
- Ecology

The principle of the development, including impact on openness and whether any very special circumstances exist

The application site is located within the Green Belt and represents a departure from the Development Plan and the proposed development does not constitute one of the exemptions outlined within paragraph 145 of the NPPF for new buildings in the Green Belt and represent inappropriate development in the Green Belt. In addition, the use of the site for the siting of the containers and the boundary fence are also considered to represent inappropriate development in the Green Belt.

As such, the main issues are the effect of the proposal on:

- The openness of the Green Belt and the purpose of including land within it;
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

#### *Openness and green belt purpose*

The NPPF states at paragraph 143 that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state at paragraph 144 that substantial weight should be given to any harm, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The NPPF also sets out the fundamental aims of the Green Belt at paragraph 133, to prevent urban sprawl by keeping land permanently open, and that their essential characteristics are their openness and their permanence.

The site is currently open and level and consists of grazing land and the proposed development will undoubtedly have an impact on the openness of the Green Belt, which the NPPF identifies as one of the essential characteristics of the Green Belt. This impact will take place during the

lifetime of the development, which is estimated to be 31 years, which is not an inconsequential period of time for the impact on openness to be felt. Therefore as the site is currently devoid of any buildings and the current proposal would by definition be inappropriate development it would have an impact on openness.

The development will also result in encroachment in the countryside, contrary to one of the purposes of including land within the Green Belt.

Accordingly, the proposal represents inappropriate development and has an impact on the openness of the Green Belt and is contrary to one of the purposes of including land within the Green Belt. As such permission should not be approved except in very special circumstances.

#### *Very special circumstances*

The NPPF at paragraph 148 states that the planning system should support the transition to a low carbon future. However, paragraph 147 notes: *“When located in the Green Belt, elements of many renewable projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”*

The proposal is directly related to renewable energy, the system will store electricity produced from renewable sources during periods in low demand and release electricity to the grid when demand is high, thereby maximising the benefits of renewable energy that has been produced and minimising its wastage. This would aid in the Government’s target, set out within the Climate Change Act 2008, of reducing carbon emissions by 80% below 1990 levels by 2050. Furthermore, the proposal would contribute towards enabling a balanced network supply.

In addition to the above, the overarching National Policy Statement for Energy (EN-1) is part of a suite of NPSs issued by the Secretary of State for Energy and Climate Change. It sets out the Government’s Policy for delivery of major energy infrastructure. EN-1 was written prior to any viable method of storing electricity was developed, and therefore energy storage is not considered directly in the statement. However, the principals which support energy storage are considered, and therefore EN-1 is applicable to this development.

Paragraph 3.3.11 of EN-1 states that *“...the more renewable energy generating capacity we have the more generation capacity we will require overall, to provide back up at times when the availability of intermittent renewable sources is low. If fossil fuel plant remains the most cost effective means of providing such back up, particularly at short notice, it is possible that even when the UK’s electricity supply is almost entirely decarbonised we may still need fossil fuel power stations for short periods when renewable output is too low to meet demand...”* Paragraph 3.3.12 states that: *“...it is therefore likely that increasing reliance on renewables will mean that we need more*

*total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.” Paragraph 3.3.31 states that: “The government still envisages back up capacity being necessary to ensure security of supply until other storage technologies reach maturity”.*

Upgrading Our Energy System: Smart System and Flexibility Plan (2017) (published on 25 July 2017 by BEIS and Ofgem) forms an important part of the Government’s Industrial Strategy, the Clean Growth Plan, and a core component of Ofgem’s future-facing work to enable the energy system transition. The Plan highlights that there is an increasing need for greater flexibility across the power system as more low carbon generation is deployed. With specific reference to energy storage the Plan highlights that: *“By harnessing the potential of energy storage, demand-side response and smarter business models, we have an opportunity to upgrade to one of the most efficient, productive energy systems in the world. This is central to how we deliver secure, affordable and clean energy now and in the future.”*

Finally, on 18 November 2015 The Secretary of State for Energy and Climate set out a new direction for UK energy policy. Within this the need for energy security was emphasised and in particular relation to these proposals the Government’s approach to innovation was set out: *“Government’s first job is to create the environment for new ideas to flourish by getting rid of the barriers that are in the way. Some argue we should adapt our traditional model dominated by large power stations and go for a new, decentralised, flexible approach. Locally-generated energy supported by storage, interconnection and demand response, offers the possibility of a radically different model.”*

The development would include battery energy units which would be charged by renewable sources, such as wind or solar, at times of low network demand, store the electricity generated and then supply it to the National Grid to help balance the supply of electricity and ensure a constant power supply. This would ensure that power generated by these intermittent power sources is not wasted. Accordingly, the technology would support the more efficient use of renewable energy sources and this reduces the reliance on electricity from non-renewable sources, which assists in reducing CO<sub>2</sub> emissions. Also the development itself would not generate any CO<sub>2</sub> emissions. This aligns with the support in the NPPF, and adopted Rotherham Local Plan policies CS30 ‘Low Carbon and Renewable Energy Generation’ and SP69 ‘Utilities Infrastructure’.

It is noted that the existing infrastructure is already in place in the form of the existing Thurcroft Substation and that the current proposed location, whilst in the Green Belt, is the most logical location to complement the existing infrastructure. In addition, by being located in close proximity to a substation the proposed development will be able to work at optimum performance.

The Inspector dealing with the appeal against the refusal of planning permission for the battery storage facility to the north of the existing electricity sub-station noted that “the appeal site, despite its relative proximity to the

substation, nonetheless stands apart from this and this adds weight to my conclusions regarding the degree to which the proposal would affect openness and encroach into the countryside, and thus the harm to openness that would result.” He added that the battery storage facility approved on the current application site “is more closely related visually and spatially to the substation, the broad extent of which is neatly constrained by the alignment of Moat Lane and Green Lane.”

Finally, it is noted that the proposed development is required for a temporary period, albeit a lengthy one at 31 years, and at the end of that period the development, including buildings, would be removed and the site restored to its former condition. It is anticipated that technologies will have advanced by then such that smaller scale facilities may be available to replace that currently proposed.

It is concluded that, whilst the proposed development is inappropriate by definition and has an impact on the openness of the Green Belt and is contrary to one of the purposes of including land within the Green Belt, very special circumstances have been demonstrated that overcome its inappropriateness and the other harm caused in this locality. It is therefore considered that the proposed development is acceptable in principle and will comply with the relevant paragraphs of the NPPF; and adopted Local Plan policies CS4 ‘Green Belt’, CS30 ‘Low Carbon and Renewable Energy Generation’, SP2 ‘Development in the Green Belt’ and SP69 ‘Utilities Infrastructure’.

In addition to the above, it is considered that a further material consideration is the applicant’s fall-back position of being able to implement planning application RB2017/1426 until 15 January 2021, which is for a similar scheme albeit with a different amount of structures and layout.

#### Impact on character and appearance of the area, and impact on local landscape

SP55 ‘Design Principles’ states: *“All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings”*.

This approach is echoed in National Planning Policy in the NPPF.

The NPPF at paragraph 124 states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 130 adds: *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”*

In addition, CS21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. Furthermore, CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

The site is immediately adjacent to an existing electricity distribution station. Existing pylons in the area are visually prominent. Green Lane itself has some well-established hedgerows and the site has strong vegetation on its boundary with the electricity distribution site. Accordingly, the site is relatively well hidden from public views, as the large Thurcroft substation site directly to the north and the large agricultural building to the west screen views of the site from Green Lane. In addition, the local landscape contains a number of large electricity pylons that cross the land which would be more visually prominent than the proposed scheme. In addition, when viewed from longer distance from Kingsforth Lane across the M18 to the east (which is in a cutting), the proposed structures would appear relatively small scale and it is not considered that they would have a significant impact on the character or appearance of the area in general. It is also of note that whilst not an inconsequential period of time, the proposal is only required for a temporary period of approximately 31 years and at the end of which the buildings and structures would be removed from the site.

In addition to the above, it is noted that the highest buildings on the site would be a maximum of 4.7 metres high, albeit only a small part of the building would be this high, the rest would be no higher than 3 metres. Given the height of the buildings, together with boundary treatment and land levels, together with the fact that they will be seen against a backdrop of the electricity substation and pylons, the impact of the proposal on the visual amenity of the area and its character are not considered to be significant.

Notwithstanding the above, a condition shall be implemented seeking the submission of a detailed landscape masterplan with details of the improved boundary hedgerows and planting which will need to be submitted, approved and implemented before the site is brought into use.

In conclusion the proposals will not result in any significant adverse landscape or visual effects and the proposal would not give rise to any design issues as such the proposal would be in compliance with the NPPF and adopted Local Plan policies CS21 'Landscapes', SP55 'Design Principles' and SP55 'Design Principles'.

#### General amenity

The NPPF at paragraph 127 states developments should create places with a high standard of amenity for existing and future users.

Policy CS27 'Community Health and Safety' states that: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..."* In addition policy SP52 'Pollution Control' states: *"Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity."* It further states that when determining planning applications, particular consideration will be given to, amongst other things, the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development.

The proposed development would be sited approximately 80m from no. 1 Green Lane to the south and the applicant states that the impact on nearby residents would be minimal as the facility does not generate significant noise. It is noted that the site is located adjacent to the existing larger electricity substation site, and to the east is the busy M18 motorway. In addition, across Green Lane to the west is a dog kennels.

A Noise Report has been submitted as part of this application which concludes that the specific sound source is expected to have a noise emission below the calculated traffic noise affecting the nearest noise sensitive receptors. Accordingly, it is considered that the additional noise generated by the proposed facility would not significantly adversely affect the amenities of nearby residents. Therefore a condition will be appended to ensure that the scheme is carried out in accordance with the noise report submitted with this application. Furthermore, a noise report has been submitted and approved via a discharge of condition application in relation to the previous application, as such Environmental Health have not requested a further report.

In light of the above and subject to the recommended condition, the proposal would raise no amenity issues and would comply with the requirements of adopted Local plan policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

### Highways

Improvements are proposed to the access which are considered acceptable to accommodate the vehicles required to deliver the plant and equipment to the site. In these circumstances, the proposal is acceptable in highway terms subject to recommended conditions.

### Drainage

The site is in Flood Zone 1 where there is no impact on flooding.

The Council's Drainage Team have indicated that the scheme is similar to the previous approval, however there is still insufficient drainage information provided with this application to comment upon. The site is classed as greenfield for runoff purposes and the maximum runoff rate should be limited

to 5 l/s/ha. Yorkshire Water Services Ltd. could impose a reduced rate if surface water drainage is connected to their system.

Notwithstanding the above, the Council's Drainage Team has no objections subject to conditions requiring all areas of hardstanding to be permeable and details of the proposed means of disposal of foul and surface water, including details of any off-site work and on site attenuation of surface water flows being submitted and approved before the development is brought into use.

### Ecology

Policy CS20 'Biodiversity and Geodiversity' states: *"The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources ..."*

Policy SP33 'Conserving the Natural Environment' states: *"Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery..."*

The nearest ancient woodland is Pea Carr Wood which is 860m to the south-west. The next nearest is Liner Wood (1,019m to the west) and Wickersley Wood (1,628m to the north-west and north). The nearest Local Wildlife Site is Kings Pond Plantation which is 862m to the north-east. The next nearest (Wickersley Wood, Wickersley Gorse and Thurcroft Hall) are over 1,000m away. None of the ancient woodlands or Local Wildlife Sites are structurally connected to the site and it is considered that they are sufficiently far away so as not to be affected by the proposed developments.

The western hedge appears to comprise six bushes whilst the northern hedgerow is more complete but appears 'gappy' and straggly. Consequently, these are not likely to be important for bats. There are no buildings on the site and the site is not within a bat constraint zone, so bat roosts in buildings or on site are not an issue. There is a pond approximately 40m to the west and there is potential, albeit low, of this and the site to support great crested newts.

An ecological survey was submitted which searched the site and the immediate surrounding area for evidence of badgers, bats and birds and nearby watercourses that could be habitats to Water Voles and Great Crested Newts.

The report confirmed that the development will have a low ecological impact and would not impact on the local wildlife. It further notes a loss of hedgerow will be compensated for by planting new sections on the site and provides further mitigation in the form of any works that could affect birds being carried out outside of bird nesting season.

In respect of Great Crested Newts, while no evidence has been documented of them being on site or habiting in the nearest pond, the survey recommends



that before works commence a hibernaculum will be created on adjacent land within the applicant's control, to ensure that no Great Crested Newts will be harmed or killed during the works, and it will ensure that the favourable conservation status of the species will be maintained.

The assessment concludes with details of biodiversity enhancement measures which will include new planting of hedgerows and other native species.

The Council's Ecologist has accepted that no further surveys are required and that the proposal would not have an adverse impact on the local wildlife, subject to the proposed mitigation and enhancement measures being carried out.

#### Other matters raised

Whilst a departure from the Development Plan, the proposal would not need to be referred to the Government Office as it is not considered that the development would have a 'significant' impact on the openness of the Green Belt, as set out in the Town and Country Planning (Consultation) (England) Direction 2009, particularly bearing in mind its temporary nature.

#### **Conclusion**

It is considered that the proposals represent inappropriate development in the Green Belt and will have an impact on the openness of the Green Belt in this location and lead to encroachment. However, it is further considered that very special circumstances have been demonstrated that overcome its inappropriateness and the other harm caused in this locality.

It is considered that the development would not significantly harm the character and appearance of the area given the size and scale of the proposal. Furthermore, the proposal will not result in any significant highway, drainage and ecological issues, or impact on local residents.

It is therefore considered that the proposed development is acceptable and will comply with the relevant paragraphs of the NPPF; and adopted Local Plan policies referred to. The proposal is accordingly recommended for approval subject to conditions.

#### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 05 and 06 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 05 and 06 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

### General

01

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 shall be valid for 31 years and at the end of that period all structures hereby approved shall be wholly removed and the site restored in a manner to be agreed with the Local Planning Authority.

#### Reason

Due to the inappropriate nature of the development and its impact on the openness of the Green Belt

03

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

002 – Location Plan, received 21 August 2019

005 – Layout, received 21 August 2019

001 – 66kV, received 21 August 2019

1 rev 05A – A, received 21 August 2019

2 rev 05A – A, received 21 August 2019

3 rev 05A – A, received 21 August 2019

4 rev 05A – A, received 21 August 2019

PT17-003, received 21 August 2019

DNOTBL-140227-00, received 21 August 2019

393-0340 E, received 21 August 2019

002 – Welfare & Storage, received 29 August 2019

002 – Inverter Elevations, received 29 August 2019

002 – Control Room, received 29 August 2019

Reason

To define the permission and for the avoidance of doubt.

04

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

Reason

To prevent the land from becoming unsightly in the interests of the impact on the Green belt and on visual amenity.

Highways

05

Prior to the development being commenced, a scheme showing how the existing access from Green Lane is to be increased in width shall be submitted to and approved by the Local Planning Authority, and the approved scheme shall be implemented before any further works on site are commenced.

Reason

In the interests of highway safety.

06

Prior to the development being commenced, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented throughout the duration of the construction works. The plan shall require all construction traffic to approach and leave the site from/to the south, a banksman to control all traffic leaving the site and measures to deal with any mud etc. deposited in the highway by construction traffic.

Reason

In the interests 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.

### Drainage

08

Details of the proposed means of disposal of foul and surface water, including details of any off-site work and on site attenuation of surface water flows, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

### Reason

To ensure that the development can be properly drained.

### Landscapes

09

Prior to the site being brought into use, 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.

### Materials

10

The 2.4m high paladin fence shall be powder coated in green or black and

shall be erected around the site as shown on drawing number 005 before the site is brought into use and shall thereafter be maintained.

Reason

In the interests of visual amenity.

Ecology

11

The development shall be carried out in accordance with the recommendations of the submitted Ecological Impact Assessment (Ref: 190889/EclA) dated 16 October 2019. Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

Noise

12

The development shall be carried out in accordance with the recommendations of the submitted and approved Noise Impact Assessment (ref: PC-19-0182-RP1) carried out by Pace Consult on 29 July 2019. Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenity of the locality.

Informatives

01

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

- Except in case of emergency, no demolition or construction operations shall take place on site other than between the hours of 08.00 -18:00 Monday to Friday and between 09:00-18:00 on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority

shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

- Heavy goods vehicles shall only enter or leave the site between the hours of 08.00-18.00 on weekdays and 09:00-18:00 on Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
- All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and all vehicles audible warning alarms shall be operated in accordance with a specification agreed in writing with the Local Planning Authority prior to the commencement of all site operations. At all times the best practicable means shall be employed to prevent or counteract the effects to nearby residents of such warning alarms.
- At all times during the carrying out of operations authorised or required under this permission, effective means shall be employed to minimise dust. Such measures may include water bowsters, 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.
- 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 5228:1(2009) Code of Practice; 'Noise Control on Construction and Open Sites',

02

All plant containing flammable or toxic liquids shall have appropriate secondary containment systems such as bunding.

03

Any external lighting to the site shall meet the guidance provided by the Institute of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution" This is to prevent obstructive light causing disamenity to neighbours. This guidance is available from the Institute of Lighting Engineers, telephone 01788 576492.

04

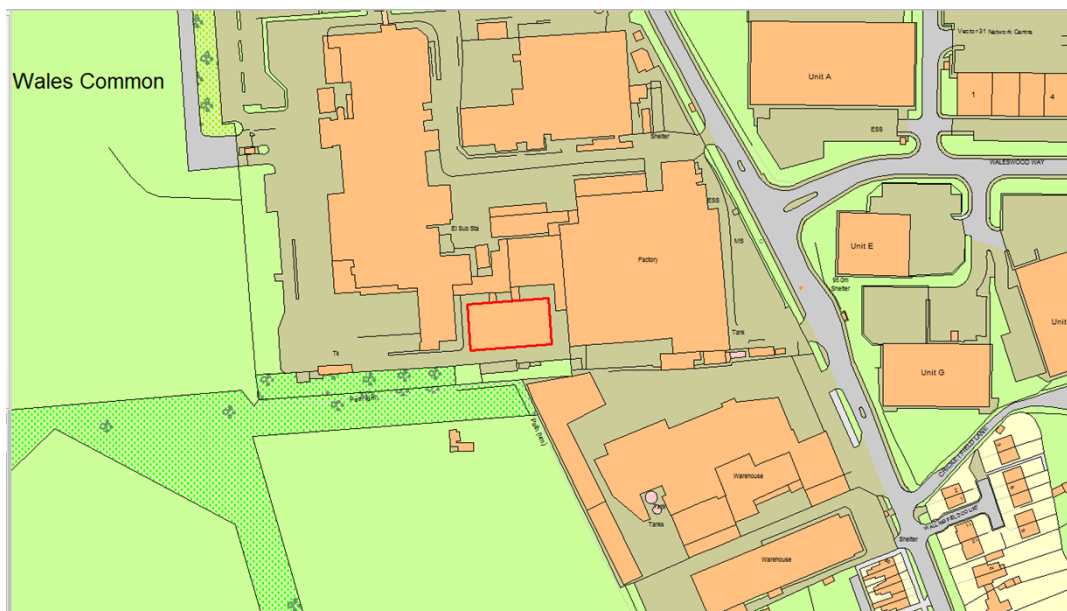
Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found 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.

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

#### 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.

<b>Application Number</b>	<b>RB2019/1454</b>
<b>Proposal and Location</b>	<b>Removal of existing warehouse building and erection of new warehouse, at Grencore Kiveton, Mansfield Road, Waleswood</b>
<b>Recommendation</b>	<b>Grant conditionally</b>



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

### **Site Description & Location**

The site of application is the Grencore food factory location on Mansfield Road, Waleswood. The factory dates from the 1960s and has been expanded significantly over the decades. The existing cold storage building is of a temporary design constructed around 15 years ago, positioned close to the southern boundary of the site.

### **Background**

The site has a long planning history, important applications include:

KP1965/1791 - Erect food factory – Granted

RB2002/1563 - Erection of chilled storage building - GRANTED CONDITIONALLY

### **Proposal**



The applicant seeks full planning permission for the removal of the existing warehouse building which is a temporary type structure only intended for short term use and the erection of a new warehouse building with a floor area of 1,314sqm.

The building will be 13.5m high, some 40m wide and 29.5m deep. The building will be constructed in steel sheet cladding and include a flat roof.

The application is supported by the following documents:

#### Biodiversity Report

- Our new building is within the current site location and the footprint of the build is to go over the same layout as the current “tented” facility.
- The building is a frozen holding storage facility for finished food products. There is no wildlife that is affected with the build program and finished project.

#### Site Investigation Report

- We are of the opinion that the natural weathered mudstone founded about 1.0 to 2.0m (WS4) below ground level to be satisfactory formation for pad foundations.
- For design purposes we suggest an allowable net increase in bearing pressure of 150kN/m<sup>2</sup> upon natural weathered mudstone.
- Due to the presence of made ground in varying depths, if ground bearing floor slab is adopted we suggest made ground to be removed and replaced with well compacted granular fill sub base. Otherwise, suspended ground floor slab is recommended.

#### Transport Statement

- The transport to and from the site will not change as the new energy efficient temperature-controlled building sits within the same footprint.
- Access to the site for the staff is as current as there is only one way into the site via the A618 Mansfield Road

#### **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham’s Local Plan together with the Sites and Policies Document (adopted on 27<sup>th</sup> June 2018).

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

Core Strategy policy(s):

CS14 Accessible Places and Managing Demand for Travel  
CS19 Green Infrastructure  
CS21 Landscape  
CS24 Conserving and Enhancing the Water Environment  
CS25 Dealing with Flood Risk  
CS27 Community Health and Safety  
CS28 Sustainable Design  
CS30 Low Carbon & Renewable Energy Generation

The Sites and Policies Document – June 2018:

SP16 Land Identified for Industrial and Business Uses  
SP26 Sustainable Transport for Development  
SP32 Green Infrastructure and Landscape  
SP47 Understanding and Managing Flood Risk and Drainage  
SP52 Pollution Control  
SP54 Contaminated and Unstable Land  
SP55 Design Principles

### **Other Material Considerations**

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

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

### **Publicity**

The application was advertised in the press as a major development, on site by site notice, and by individual neighbour letters. No representations have been received.

### **Consultations**

RMBC – Transportation Infrastructure Service: No objections

RMBC - Landscape Design: No objections

RMBC – Drainage: No objections subject to appropriate condition

RMBC – Environmental Health: would envisage no significant loss of amenity by virtue of noise, air quality or land pollution impact and as such would raise no further comment.

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

South Yorkshire Mining Advisory Service: Satisfied that the site has been adequately assessed in terms of mining stability and suitable mitigation is proposed. Therefore no objections.

Coal Authority: No objection subject to informative relating to former mining activity.

## **Appraisal**

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

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

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

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

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

### The principle of the development

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

The application proposal is for a B8 (Storage and Distribution), linked to the existing large scale food factory on site. The site is allocated for Industrial and Business use within the Local Plan and the proposal is therefore in accordance with policy SP16.

### Design, layout and scale

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

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

CS30 'Low Carbon & Renewable Energy Generation' states that:

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

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

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

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

- a. identify how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;
- b. meet the relevant BREEAM 'very good' standards or better for non-residential buildings over 1,000 square metres unless it can be

demonstrated that it would not be technically feasible or financially viable;

c. demonstrate how the installation of integrated renewable and low carbon energy technologies in new and existing non-residential developments, in order to off-set CO2 emissions and mitigate the impacts of climate change, has been assessed and included within the development unless it can be demonstrated that it would not be technically feasible or financially viable. These could include (but are not limited to):

- i. solar thermal
- ii. solar photovoltaic
- iii. biomass boilers
- iv. ground source heat pump
- v. wind turbines
- vi. combined heat and power schemes & associated infrastructure

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

The application proposes to replace an existing temporary structure with a new permanent cold storage warehouse. The building is utilitarian in design and fit for its warehouse purpose within the dense industrial development. The warehouse will not be particularly visible from any highway aspect or public vantage point and will be set against a backdrop of similar utilitarian buildings and chimneys etc. As such the proposed design is acceptable.

The agent has indicated that they wish to achieve BREEAM very good in accordance with the above policy. As such a condition has also been attached requiring the building to achieve BREEAM Very Good, or to submit technical/financial viability information to demonstrate why it cannot.

Overall it is considered that the proposed development is of an appropriate scale and design which will comply with the relevant Local Plan policies above.

### Transport issues

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

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.

- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.”

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

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

The scheme is for a replacement cold storage building of a similar design to the one to be removed. As such the proposal will not generate any additional travel movements or impact upon the existing highway access. The site currently has adequate on site parking and is well served by public transport.

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

#### Drainage and flood risk issues

Policy CS24’ Conserving and Enhancing the Water Environment’ states: “Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:
  - i. the natural geomorphology of watercourses,
  - ii. water quality; and
  - iii. the ecological value of the water environment, including watercourse corridors;
- b. contribute towards achieving ‘good status’ under the Water Framework Directive in the borough’s surface and groundwater bodies
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or

- sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,
- e. dispose of surface water appropriately according to the following networks in order of preference:
    - i. to an infiltration based system wherever possible (such as soakaways)
    - ii. discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)
    - iii. discharge to a public sewer.”

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

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

“The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) inappropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and
- c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.”

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

The application was supported by a Flood Risk statement indicating that the site is not at risk of flooding. The Council’s Drainage Officer does not envisage any issues with the drainage on site from the replacement building, which can be addressed through the Building Control process.

#### Landscape and trees matters

Policy CS19 ‘Green Infrastructure’ states that “Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout

the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas.”

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

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

The application site is located within the Rother Green Infrastructure Corridor. This small site area currently contains no landscaping and there is no opportunity to introduce additional landscaping. There is however adjoining mature landscaping on adjacent land which will help to screen the development.

It is therefore considered that the application is acceptable in terms of landscaping and Green Infrastructure.

#### General amenity issues – contaminated land, noise and air quality

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

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.”

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

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A



Noise Assessment will be required to enable clear decision-making on any planning application.

c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.

d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.

e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”

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

a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse or ground water;

b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;

c. demonstrate that adverse ground conditions have been properly identified and safely treated;

d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”

In relation to noise impacts, the application is set within an industrial site and the Environmental Health Officer notes that the development replaces an existing structure and the site is set significantly away from any neighbouring residents. No harm to neighbouring amenity will therefore occur.

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

In relation to Air Quality issues, no additional traffic will be generated, as such no additional air pollution will occur.

## **Conclusion**

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

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

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

## **Conditions**

### **General**

01

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

Reason

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

02

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

(Proposed Section 5735A 03 Rev 07) (Received 16/09/19)

(Proposed Floor Plan 5735A 00 Rev23) (Received 16/09/19)

(Site Plan 5735A 02 Rev01) (Received 19/09/19)

(Block Plan 5735A 02 Rev02) (Received 19/09/19)

(South Elevation 5735A 04 Rev03) (Received 19/09/19)

(East Elevation 5735A 06 Rev01) (Received 19/09/19)

(North Elevation 5735A 13 Rev00) (Received 20/09/19)

(West Elevation 5735A 14 Rev00) (Received 20/09/19)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be carried out in accordance with the details provided in the submitted application forms.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Local Plan Policy

04

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

Reason

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

05

A Phase I Site Assessment Report consisting of a desk top study, a site walkover, and a conceptual site model shall be undertaken to obtain an understanding of the site's history, its setting and its potential to be affected by contamination. This report shall be submitted to the Local Planning 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 before the development is brought into use, and the findings must be submitted to the Local Planning Authority.

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

06

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 Coal Authority

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

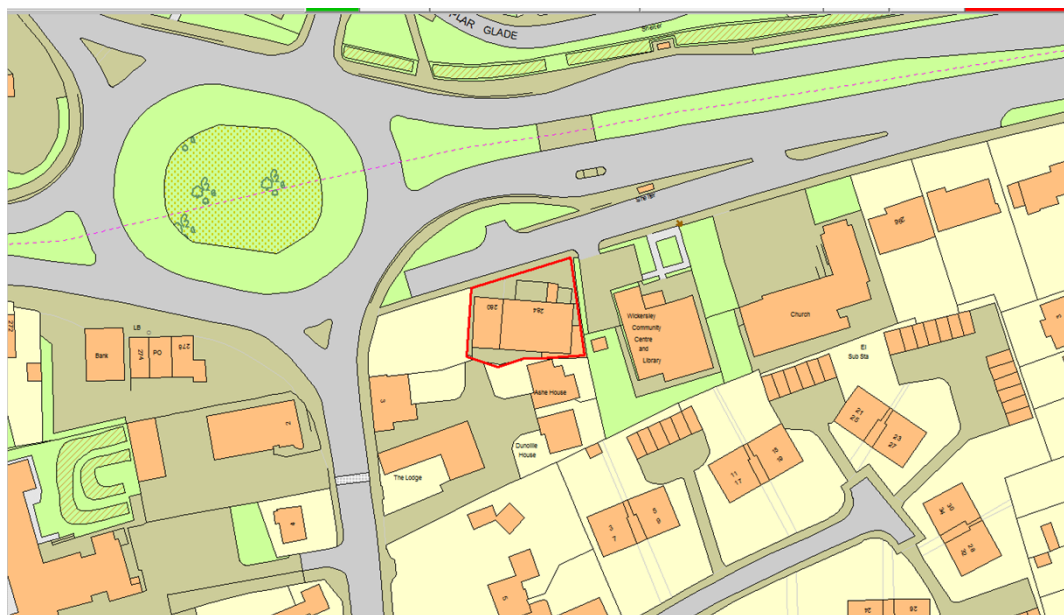
Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

## POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in informal pre application discussions to consider the development before the submission of the planning application. The Local Planning Authority considers that it has worked with the applicant in a positive and proactive manner based on seeking solutions in accordance with the principles of the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2019/1533</b>
<b>Proposal and Location</b>	Change of ground floor use to restaurant (use class A3) and erection of single storey front extension at 280 Bawtry Road, Wickersley
<b>Recommendation</b>	<b>Grant Conditionally</b>



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

### Site Description & Location

The application site relates to an existing restaurant and attached separate office which are located on a service road adjacent to the classified Bawtry Road at Wickersley. The site is located within Wickersley Conservation Area.

Immediately to the rear of the site are residential properties on Morthen Road and Moss Close, with commercial properties to the west and Wickersley Community Centre and Library to the east. An existing café is also located within 280 Bawtry Road, which is unaffected by the proposals.

The property has recently been renovated internally and externally as an Italian restaurant with a reception bar area and has had various extensions and modifications carried out to the external area.

### Background

The site has the following planning history:

RB1996/0687 - Change of use of A1 retail shop to A3 restaurant - Granted conditionally

RB2018/0560 - Change of use of restaurant to restaurant and drinking establishment (Use Class A3/A4) – Refused

RB2018/1682 - Installation of extraction unit to rear – Granted Conditionally

RB2019/0208 – Erection of single storey rear extension – Granted Conditionally

## **Proposal**

This application seeks permission for the change of use of the existing office to an extension to the restaurant and the erection of a single storey extension to further extend the restaurant area.

The existing office area extends to approximately 23sqm. It is proposed to install a new window opening and fire door in the side elevation, this is an amendment to the original plans which showed bi-folding doors. Internally, a wall will be removed to enable access from the existing restaurant.

Having regard to the proposed extension, this is shown to be erected to the front and side of the property in the void between the proposed office conversion and existing restaurant. It will create an additional 18sqm of floor space and be constructed to approximately 3.5m in height to match the height of the existing building.

The existing stone boundary wall will be retained as part of the proposals.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for residential purposes in the Local Plan and is also located within Wickersley Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS23 'Valuing the Historic Environment'

CS28 'Sustainable Design'

SP41 'Conservation Areas'

SP52 'Pollution Control'

SP55 'Design Principles'

## **Other Material Considerations**

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

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

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

## **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 7 letters of representation from 6 separate addresses and a petition from the Parish Council containing 11 names and addresses has been received raising the following concerns:

- Extending the size of the premises will only increase the amount of people visiting the premises, which in turn will increase the noise that we have to put up from people drinking/eating inside/outside and also raised voices and car door slamming from people leaving the restaurant late at night without consideration for local residents.
- The increase in floor space will increase the traffic, noise and footfall in this restaurant. Based on full time staff numbers, they are planning a 33% increase.
- There is already late night noise and disturbance from the existing premises. This extension will only make matters worse.
- The amount of cars parked on the road outside the restaurant is already at capacity, so naturally people will have to park on residential road around the area.
- We also have to put up with the noise of emptying empty bottles into the bins that are located just over our boundary wall, this will also increase. Increasing the capacity of the premises will in turn lead to more waste and we already have a problem with the bins being inadequately used and in turn have an ongoing problem with vermin.
- On the proposed plans there are opening glass doors leading to the grassed area to the side of the building, if this is granted there is nothing to stop customers congregating/ being seated outside. We already have to listen to people who visit the cafe and sit on the outdoor seating area. This area has never been allocated as an eating

area and to the best of our knowledge has never had plans submitted for this purpose.

- Do not wish for the noise and anti-social behaviour that will result in the extension of the W restaurant. Also people are using Farrington Court/Goose Lane as an extended carpark for this business and members of our family and friends cannot find spaces to park. Car doors/loud voices can be heard from Customers leaving the restaurant and this will only worsen with more customers.
- The restaurant drains feed into our residential drains and have been blocked three times in the past, causing raw sewage to flow on our drive. There is an existing problem with vermin in the area. Opening up the new extension will lead to customers using the grassed area nearby for outdoor drinking and will further increase noise and nuisance in the area.
- This development is outside the Wickersley District Centre boundary and we should not encourage non residential developments outside that zone.
- These premises lie outside the defined District Centre and close to residential property which already experiences late night noise nuisance from customers leaving the restaurant and car doors being slammed. It is therefore not appropriate to add to this nuisance by allowing the premises to expand significantly. It is also relevant to point out that a recent consultation about licensing policy attracted a large number of local residents who complained about the increasing number of licensed premises in Wickersley which, individually and collectively, are causing problems of noise, litter, anti social behaviour and pressure on parking, especially at weekends. The cumulative impact of the many restaurants and bars in Wickersley is a matter that must be taken more seriously by both planning and licensing when new applications are submitted for new or expanded premises. To allow this restaurant to expand will add to the misery caused to so many local residents from the increased popularity of Wickersley as a place for eating and drinking especially given that these particular premises are located in a primarily residential area, not the main centre.
- The car parking issue has undoubtedly become much more acute since the restaurant opened with difficulty in finding a space at any time of day but especially during the evenings. This leads to parking in residential streets and also much manoeuvring as cars travel to the end of the service road looking for spaces only to have to turn around with difficulty and drive out again. This is particularly important as the service road also serves the library/community centre and the Methodist church whose exits from their car parks are often blocked and whose visitors can often not find places to park. More customers associated with an expanded restaurant will simply make an already unsatisfactory situation even worse.
- It is also noted that the plans show what appear to be glass doors opening onto the green area to the side of the premises. If that is the case then it could lead to seating being provided on the green for customers which would undoubtedly cause a noise nuisance to those



residents who live adjacent to the green area. This is a matter of serious concern for local residents.

- It is considered that the flat roofed extension would detract from the heritage value of this attractive stone building that lies within the Conservation Area.

In response to the concerns raised, the Applicant has provided the following comment:

*"The restaurant has a maximum seating capacity of 86 places we are fully booked for weeks in advance, our concept is to extend into the soon to be vacant office space that is directly connected to the restaurant. The objective of this undertaking is to provide a further relaxed dining environment that is available on a "walk in" basis for a more casual eating experience. This extension increases the capacity by only 22 places. We strongly refute claims that this increase in capacity would have any significant impact in the areas that are highlighted, such as noise or parking impact.*

*We can agree collectively as members of the local community that there is a substantial issue regarding parking from goose lane to Morthern road. However this congestion starts each morning around 8:00am and cannot be associated with the W operations. As you will appreciate 75% of the clientele of our establishment are not driving as they enjoy an alcoholic beverage with their food.*

*Regarding further noise nuisance we are really disappointed by this comment as we whole heartedly try to ensure that as a sustainable business we are not contributing to this problem. Following complaints from most of the same people both on the petition and individual letters, we commissioned a full noise survey to assess the impact of the restaurant including the background noise from the extraction units. The spot noise elevation during evening operations was identified as transient and sporadic, this was identified as persons talking when exiting the restaurant. The same noise levels were also recorded from the general public talking whilst passing along Bawtry road. The general road noise is a far bigger contributor as a nuisance than our guests leaving the premises.*

*We are also confused as to the relevance regarding the comments pertaining to development of other establishments in the village. What does this general unhappiness regarding the business mix on the Tanyard have to do with respect to the W Restaurant*

*The W has had no instances of antisocial behaviour in the last 3 years since we started operating, we are a premium food restaurant and intend to continue to attract and serve quality clientele.*

*This planned 25% expansion will generate 6 new full time positions and allow the restaurant to continue to be part of the community and social circuit. We participate whole heartedly as a community member supporting parish council events and providing charitable contributions to local good causes.*

*The planned extension will aesthetically improve and sympathetically bring the whole building in line with a more similar frontage. This improves dramatically the appearance adjacent to Bawtry Road.*

*I trust these comments provide you with assurances of our commitment to ensuring that we are and intend to remain a premium establishment focused on the high quality experience of our clientele.”*

## **Consultations**

RMBC Transportation Infrastructure Service note from the submitted details that the site is located within the village centre in close proximity to public transport and car parking facilities. This being the case, no objections are raised to the granting of planning permission in a highway context.

RMBC Environmental Health acknowledge that there have been a number of complaints regarding the restaurant in recent years ranging from noise from patrons to odour nuisance from the extractor fan. However, it is considered that there is only the potential for disamenity from noise during the construction phase.

RMBC Tree Service note that the construction work within such a confined area has the potential to negatively impact on nearby trees, one of which is protected by a preservation order. However acknowledge that part of the root protection area is already covered by an area of hard standing which currently limits its growth. Accordingly a condition is recommended that requires the submission of a suitable scheme for the protection of trees during the construction phase.

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Impact on visual amenity and Wickersley Conservation Area
- Impact on neighbouring amenity

- Highway Considerations
- Impact on trees
- Other Considerations

### Principle of Development

The site lies within a wider residential area on the edge of Wickersley District Centre. The principle of this commercial use is long established as a restaurant dating from the change of use application in 1996. The proposed change of use and extension is proposed to extend the existing function of this lawful use and will not result in the loss of a residential unit.

It is noted that an objection has been received on the grounds that the change of use and extension should not be approved as the site falls outside of Wickersley District Centre, however Policy SP11 'Development in Residential Areas' supports non-residential uses in residential areas where they are:

- a) ancillary and complementary to the residential nature and function of the area; and
- b) are no larger than is required to meet the needs of local residents; and
- c) will not have an unacceptable impact on the residential amenity of the area; and
- d) demonstrate how they will be of benefit to the health and well-being of the local population.

In this regard, the restaurant is considered to complement the residential nature and function of the wider area and the additional floorspace proposed is considered to be small scale. The impact of the change of use and extension on residential amenity is considered further in the proceeding paragraphs, however in general terms the area to which the application relates is located to the front of the existing unit and will not therefore share a boundary with a residential property.

Accordingly, the change of use of an office and small extension to create an extension to the existing established restaurant is considered to accord with the provisions of SP11 and is therefore acceptable in principle.

### Impact on visual amenity and Wickersley Conservation Area

In assessing the proposed design of the proposals in relation to the existing building, Core Strategy CS28 'Sustainable Design,' requires that development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.

Policy SP55 Design Principles goes on to state that All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings.

Furthermore, Policy SP44 Conservation Areas states “Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles:

- a) developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham’s Conservation Areas and their settings;
- b) there is a presumption in favour of the preservation of buildings and structures, both listed and unlisted, which make a positive contribution to the special character or appearance of Conservation Areas. Permission will not be granted for the demolition of a building in a Conservation Area which makes a positive contribution to the character or appearance of the Area unless it can be clearly demonstrated that:
  - i. there is no realistic prospect of the building continuing in its existing use or that a suitable alternative use cannot reasonably be found; or
  - ii. the building is in poor structural condition and the cost of repairing and maintaining it would be disproportionate in relation to its importance and to the value derived from its continued use; and
- l. The demolition is part of a development proposal which would in its own right serve to preserve or enhance the character or appearance of the Conservation Area;
- c) spaces, street patterns, views, vistas, uses, trees and landscapes which contribute to the special character or appearance of a Conservation Area will be safeguarded.
- d) depending on the scale of the development and when deemed necessary, developers will be required to submit character statements to assess the impact of the development upon the character and appearance of the Conservation Area and to minimise the effect of development proposals through careful consideration of their design.

The principle elevation of the proposed extension is located on the front elevation of the property, fronting Bawtry Road. The extension is modest in scale and reflects the design and appearance of the existing building. It is noted that the extension has been designed with a flat roof, however this reflects the design of the existing extensions and the incorporation of a pitched roof would appear at odds with the rest of the building.

It is proposed to construct the entire extension from stone and insert windows that reflect the proportions of those in the existing elevations. Where it is proposed to convert the office, the elevation plans show the removal of the existing shop front and replace it with a full length glazed window and fire door.

The proposed works are considered to be minor in nature and the use of matching materials will assist in its integration with the existing building.

Accordingly, the proposed extension and change of use are considered to be acceptable in design terms and will preserve the character and appearance of the Conservation Area.

#### Impact on neighbouring amenity

With regard to neighbour amenity Core Strategy Policy CS27 'Community Health and Safety' states 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."

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

- a) the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b) the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.

The policy further adds that "Some uses are particularly sensitive to noise. For the purposes of this policy these include, but are not restricted to: housing and residential institutions, educational establishments, care establishments such as hospitals and nursing homes, public buildings such as libraries and museums, places of worship, places of audience based recreation, offices and research establishments."

Many of the objections raised are from local residents who are concerned that the proposed works will have a negative impact on residential amenity by way of increased noise and disturbance. The comments further state that residents already experience noise associated with people drinking/eating inside and outside together with car doors slamming from people leaving the restaurant late at night.

In addressing this point, the original permission for the change of use attached a condition restricting the opening hours to between 8:00 and 22:30 hours. As the additional floorspace is proposed to extend the existing use, these opening hours remain valid to this permission, thereby restricting the use beyond 22:30 hours.

Further concerns have been raised that the design of the proposals will encourage outdoor eating/drinking on the area of green space to the west. Initially this elevation was designed with bi-folding doors opening onto this area, however following consultation with the agent, the plans have been amended to include a full length window and fire door in place of the bi-folding

doors. The agent has also confirmed that the Applicant has no intention of utilising this area as an outdoor eating area.

Having considered all of the above, it is acknowledged that a number of complaints have been received by the Council's Environmental Health department in the past relating to general noise and disturbance, however the small scale of the proposed development will restrict the amount of additional patrons. Furthermore, the amendment to the plans which removes the bi folding doors within the side elevation will prevent the use of the green space to the west for outdoor eating and as such reduce the potential for noise from patrons using this outdoor area.

The proposed development is therefore considered to accord with the requirements of Policies CS27 and SP52 in that it will not have an unacceptable impact on residential amenity.

### Highway Considerations

Concerns have been raised by local residents that there is insufficient parking within the immediate area to accommodate demand from visitors to the premises. This in turn has led to the parking of vehicles on nearby residential streets and the blocking of accesses to adjacent community facilities..

It is acknowledged that the restaurant does not have any off street parking within its curtilage; however it is accessed off the service road which runs parallel with Bawtry Road. Adjacent to the premises are other non residential uses which include a community centre/library and a church, both of which have their own off street parking.

Whilst it is noted that on street car parking frequently occurs in this area, this is not considered to be to the detriment to highway safety. The adjacent uses have in curtilage parking and given the nature of the restaurant, it is likely that its busy times occur on an evening when the adjacent buildings are not in use. Concerns that accesses to the adjacent community centre and church are noted; however no representations have been received from either occupier to this effect.

In conclusion therefore, resident's comments are noted; however it is not considered that the small scale nature of the proposals will have a negative impact on highway safety by reason of increased on-street car parking.

### Impact on trees

Policy CS21 'Landscape' states: "New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."

Policy SP32 'Green Infrastructure and Landscape' states: "The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green

infrastructure assets and networks including landscape, proportionate to the scale and impact of the development...”

To the west of the application site is an area of green space. Within this area are 3 trees, one large beech, a sycamore and a lime tree. These trees are subject to TPO 8 1975. It is also noted that there are a group of cherry trees on the adjacent highway verge.

All of these trees are considered to be of high importance and should be protected wherever possible. The Council's Tree Service have confirmed that it is likely that the proposed extension will be created just within the root protection area of the large beech tree, however the area is already covered by hard standing which in effect already limits the root growth in this area.

In order to protect the roots during construction of the extension, it is advised that the grassed area must not be used for any construction activity including storage, of materials, equipment or waste, or for movement of site traffic. Thought therefore needs to be given to where storage of materials will go. Accordingly, it is recommended that a condition be attached to any future planning permission requiring the submission of a suitable scheme for the protection of trees prior to any site clearance work taking place,

Subject to this condition, the proposed development will not have a negative impact on existing trees within the immediate locality, in accordance with the provision of policies CS21 and SP32.

#### Other Considerations

Concerns have been raised regarding drainage in the area. Residents have noted that the restaurant drains feed into residential drains and have been blocked three times in the past, causing raw sewage to flow onto driveways. Whilst this is acknowledged, it is not a material planning consideration in this instance and would be a matter to be considered under Building Regulations.

Further concerns have been raised about vermin within the area. Again this is not a matter for consideration under this planning application. Any reports of vermin should be reported to the Council's Environmental Health service who will respond accordingly.

Finally, it is noted that Wickersley Parish Council are aware that a recent consultation about licensing policy attracted a large number of local residents who complained about the increasing number of licensed premises in Wickersley which, individually and collectively, are causing problems of noise, litter, anti-social behaviour and pressure on parking, especially at weekends. Many of these points have been addressed in this report. The Local Planning Authority are aware that the cumulative impacts of the restaurants and bars in Wickersley is a matter of concern for local residents, however this is a small extension to an existing restaurant which will not increase patronage significantly.

The licencing of these premises is considered under separate legislation and the extension of the application premises will need a variation of their alcohol licence. Accordingly, this will be considered separately to this planning application.

## **Conclusion**

Having regard to the above it is concluded that the proposed development represents an acceptable form of development in this locality that will be in keeping with its character and appearance and would not adversely affect the amenity of neighbouring residents or highway users. Accordingly, for the reasons outlined in this report the development would comply with relevant national and local planning policies and is subsequently 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)

- Site Plan – Dwg No. 19-137-2
- Proposed Plans – Dwg No. 19-137-4 Rev A

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and



hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837\*, with tree works proposals. All trees must be plotted on a site plan\*\*, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan\*\* detailing all trees and hedgerows planned for retention and removal.
- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- A Tree protection plan\*\* in accordance with BS5837\* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

\*Using the most recent revision the of the Standard

\*\* Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

Reason:

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

## **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.