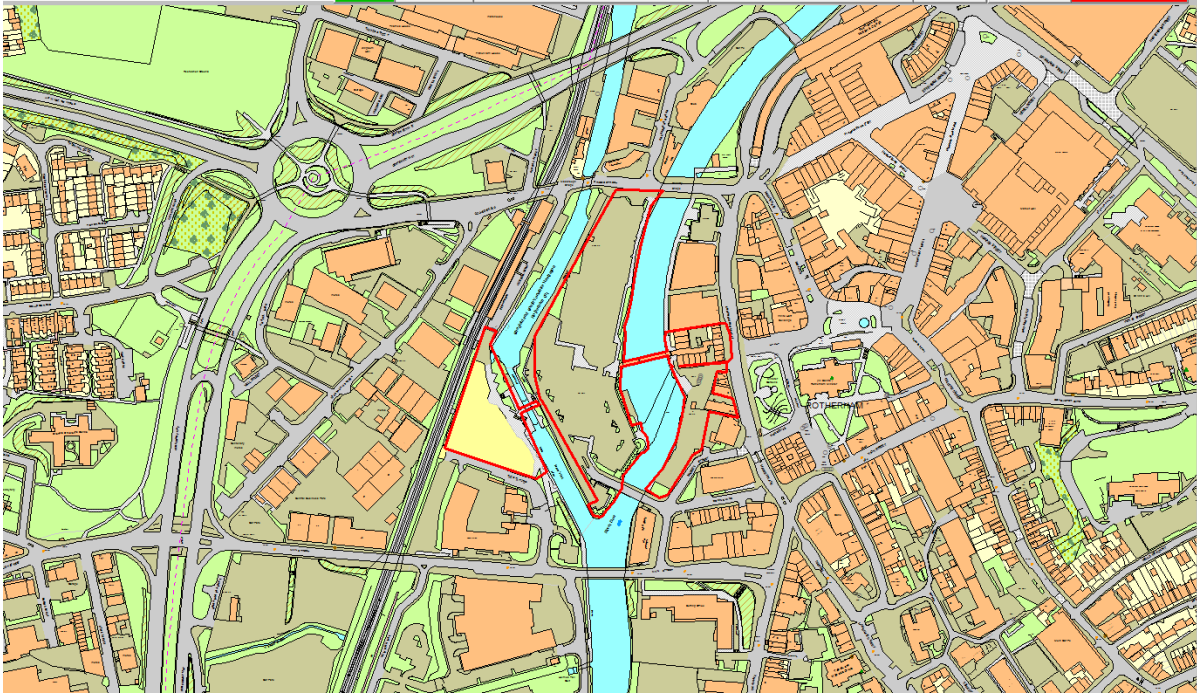


**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 18<sup>th</sup> June 2020**

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

|                              |  |
|------------------------------|--|
| <b>Application Number</b>    | <b>RB2020/0485</b>   |
| <b>Proposal and Location</b> | Hybrid planning application for a mixed use development. Full Permission for the demolition of buildings on/off Corporation Street and erection of cinema, hotel, food & drink units, retail unit, pedestrian bridge, car parking and associated public realm for Phase 1 - Site A & Site B (North); and Outline Permission for residential development of up to 50 units & associated car parking for Phase 2 – Site B (South) and Outline Permission for residential development of up to 70 units, associated car parking & bridge Phase 3 – Site C at Forge Island off Corporation Street, Rotherham Town Centre   |
| <b>Recommendation</b>        | <p>A. That the Council enter into a legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• Financial contribution of £500 per dwelling towards sustainable travel measures to support the development</li> <li>• Financial contribution of £390 per apartment towards improved green infrastructure and/or cultural improvements to the town centre environment</li> </ul> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p> |



*This application is being presented to Planning Board as it is a major application under the Council's Scheme of Delegation*

### **Site Description & Location**

Forge Island is located on the western edge of Rotherham Town Centre, separated from the town centre and retail core by the River Don. The site is a peninsula island formed by the River Don and its weir to the east and the Sheffield and South Yorkshire Navigation Canal to the west. The river defines the site's eastern boundary whilst the Canal defines the western boundary of the site.

Forge Island is made up of three distinctive development plots which have been termed Sites A, B and C.

The current use of Site A is as a surface car park. The site was previously developed as a Tesco food store and associated car parking. The building was vacant for a long period before its recent demolition in 2017. Site A is accessed by traffic from the south-east via an existing road bridge at Market Street, and from Bridge Street to the north, which was historically used as service access only for the food store.

Site B is occupied by the Riverside Precinct, nos. 6-20 Corporation Street, a surface car park and nos. 32-34 Corporation Street, which are owned by the Council. Riverside Precinct and nos. 6-20 Corporation Street comprise of several retail units, the majority of which have been vacated with the remaining units due to be relocated in the future. This retail centre fronts onto Corporation Street and Minster Gardens. The surface car park is sited behind the buildings fronting Corporation Street and at a lower level than Corporation Street, and significantly lower than Market Street. The car park is currently

accessed via Corporation Street between the southern elevation of no. 20 Corporation Street, within Riverside Precinct and the northern elevation of no. 24 Corporation Street, which is currently occupied by Ramsdens. The building no. 32 – 34 Corporation Street is a stone building that has been vacant since at least 2008 and was formerly a bank, it is located between no. 30 Corporation Street to the north, which comprises Costa Coffee at ground floor and residential above, and no. 36 Corporation Street to the south, which is currently vacant and was last in use as a Nat West bank.

Site C was until recently home to the former Magistrates Court, but this has now been demolished and is currently used as a temporary car park which has planning permission until November 2023.

The site lies adjacent to Rotherham Town Centre Conservation Area which lies to the east of the Forge Island sites. The site's context includes the setting of a number of grade II and grade II\* listed buildings, and Rotherham Minster which is grade I listed. A number of streets around the Minster, and across to Effingham Square, are pedestrianised or are pedestrian priority streets with limited access to traffic.

## **Background**

There have been numerous applications submitted relating to the application site and its previous and existing uses. More recently there have been several applications in relation to the Flood Defence works along Site A's western boundary which is outside of the application site, these are:

RB2018/1750 – Erection of Flood Defence – Granted Conditionally – 18/12/2018

RB2019/1553 – Application to vary conditions imposed by planning application RB2018/1750 – Granted Conditionally – 25/11/2019

RB2020/0650 – Non-material amendment to application RB2019/1553 to include alterations to gateway feature and amended wording of condition 11 – Granted – 15/05/2020

There is also an application in relation to site C that is relevant to the application:

RB2018/1684 – Change of use to public car park (Use Class Sui Generis) – Granted Conditionally – 29/11/2018 (this application was granted for a temporary period of 5 years.)

## CIL

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.

## Screening Opinion

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the site area exceeds 1ha of urban development which is not a dwellinghouse. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

Accordingly, it is the Local Planning Authority's opinion, that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations.

## **Proposal**

The application is for the regeneration of Forge Island to create a new leisure quarter for Rotherham Town Centre with a cinema, restaurants, hotel, car parking, and residential uses set in new public realm.

The development will also require the demolition of 8-18 (evens) Corporation Street, and the remaining buildings within 'Riverside Precinct'.

The application will be part in full and part in outline and the hybrid approach is required due to the phasing and delivery of the project. The comprehensive site approach will facilitate the phased delivery and occupation of buildings following their practical completions. The proposals for the Hybrid Application are as follows:

- Full application for Phase 1, for Site A and Site B (north); and
- Outline application for Phase 2 – Site B (south) and Phase 3 – Site C.

## Full application - Phase 1

Phase 1 will comprise the construction of a podium level accommodating the main built development. The podium has been designed to be above the site's flood level and will effectively create the ground floor level for all the built accommodation on site. Beneath the podium level, 340 car parking spaces are proposed to serve the development combined with service bays, vertical

lift and stair cores along with bike stores and refuse stores. The proposed uses above podium level for which detailed approval will be sought include:

- A 2,330 sqm 8 screen cinema with associated foyer space;
- Four restaurants (2,190 sqm);
- A 69 bed hotel
- A 139 sqm café; and
- Associated car parking, public realm and a new pedestrian bridge over the River Don.

On the podium, a new area of public realm will be created with all buildings coordinated around the central space, known as Forge Square. This will be a flexible public event space. The podium cannot be accessed by vehicles, it will be accessed via a new pedestrian footbridge from Corporation Street to the east (which will also provide cycle access to the site), a stepped landscaped amphitheatre from the canal to the west, and a new landscaped riverside walk to the north from Bridge Street. The podium would be approximately 3 metres high from car park level to top of the podium.

An 8-screen cinema will be sited towards the southern end of the podium, and either side of the entrance to the cinema on its northern elevation will be a restaurant unit which will both open up into Forge Square, and each will have the potential for a mezzanine floor. The cinema building will have three pitched roofs and will be the largest building on the site with a footprint of approximately 69 metres by approximately 49 metres at its extremities and a maximum ridge height of approximately 12.6 metres. Given its end use there will be limited openings in the south, east and west elevations.

The hotel building is located to the north-east of the podium and is proposed to house 69 beds over four floors. The ground floor will be accessed via the podium just north of Forge Square and will accommodate a foyer and a reception area which will connect to a 40 cover café / bar area that would overlook onto the public realm. To the south side of the hotel is a further restaurant, similar to the units within the cinema building and fronting onto Forge Square. The hotel/restaurant building would be approximately 52.9 metres by approximately 16.8 metres and approximately 13.5 metres high to the flat roof.

A further restaurant building is proposed to the east of the hotel and north of the cinema, on the north-east side of the podium. This building is approximately 32.3 metres by approximately 19.6 metres at its extremities. It would have a flat roof element approximately 4.4 metres high and a mono-pitch element approximately 8.6 metres high. This unit has the potential to be split into two individual units. The building can be entered from Forge Square to the south and from the landscaped river approach to the north. The restaurant is afforded views across to the town centre overlooking the River Don and Rotherham Minster beyond.

Stair and lift access would be provided from the undercroft car park to the podium area. A service lift is also housed on the western side of the standalone restaurant and connects directly to the refuse stores below. This lift is communal for the site and can be accessed by all tenants.

On Site B (North), the existing buildings (Riverside Precinct and 6-20 (evens) Corporation Street) will be demolished and the cleared area will be used to enhance the existing pedestrian route between Forge Island, Minster Gardens and the town centre beyond. A single-storey flat roof café unit approximately 17.5 metres by 10.7 metres with a height of approximately 3.5 metres will be sited adjacent the southern elevation of Wilkinson's (the existing side entrance to Wilkinson's will remain available). The café will offer internal and external seating within an area of new public realm. The cafe block will also house two 4 x 4m substations that will service the Forge Island site. These are also positioned to the north of the block alongside other serviced areas.

The cinema and hotel buildings would be constructed in a mixture of red / brown and grey vertical cladding, red / brown brick piers, grey brick and glazing. The restaurant building will be constructed in red / brown vertical cladding, red / brown brick, grey glazing frames and vertical metal fins with glazing behind. The café will be constructed with a glazed frontage and grey brick rear and side.

The proposed operational hours for the various elements of the development are:

- Cinema – 10:00 to 03:30
- Hotel – 24 hour operation
- Food & Drink – 08:00 to 02:00

Forge Square is a truncated triangular shape, with the apex on the riverside to the east, opening out to the canal to the west. Tree planting in the square will be low level and positioned towards the edges of the square. Movement through the square will be predominantly east-west (people accessing the town from the west) and north-south (people arriving to the cinema from the car park and Bridge Street). The waterside will become a green corridor. The central area will be contained by tiered seating which also has the potential to be used for outdoor cinema screenings. Planting will be in raised planters.

The existing footbridge from Site A to Site B (north) will be replaced and re-orientated, which will provide a direct link to Upper Millgate and Minster Gardens. The bridge will be designed to accommodate both pedestrians and cyclists. The bridge design has been inspired by the Bailey Bridge in that it utilises two steel diamond truss side panels connected with steel stringers to the base creating a simple open U-profile. The side trusses will be clad with a perforated steel panel in red / brown. The sides of the bridge are to be 1.4m above the bridge deck and at night the structure will be illuminated.

Public spaces on either side of the bridge will be provided. The space previously occupied by the Riverside Precinct will become a new public space - Millgate Place.

The pedestrian approach from Bridge Street will take people through a riverside parklet, incorporating tree planting and informal play areas. This approach will be a sloped landscape, containing an accessible route up to the podium, and topographical changes utilised for play where appropriate. Pedestrian access from the west, across the Canal, will be via the existing footbridge over the lock, though this would ultimately be replaced by a new pedestrian bridge as part of Phase 3 that would link direct to podium level.

The existing access points that serve each site will remain. Vehicular access to Site A will continue from the bridged link from Market Street, and the separate access from Bridge Street, and due to the height restriction below the podium, service vehicles will access and egress the site from Bridge Street. The existing Bridge Street junction will be improved as part of the recently approved flood wall works.

The scheme retains publicly accessible car parking on Site A with an increase in parking provision of 31 spaces to achieve a total of 340 spaces. The increase allows for additional disabled and electric vehicle charging spaces to be provided. The car parking spaces will be available for all as a pay and display facility controlled by the Council, though there is likely to be concessionary prices for those using the hotel, cinema and restaurants. Site C will continue to act as a temporary car park during the works on Phase 1 or until 29 November 2023, whichever is the sooner, in line with RB2018/1684 that approved permission for a temporary car park until this date.

Cycle parking is proposed to meet the Council's standards and staff changing facilities will be provided to meet tenants' requirements. Ten motorcycle parking spaces are proposed within the Site A car park which would be available for staff and public use. The spaces will be provided at basement level and accessed from the highway network via both Market Street and Bridge Street accesses.

### Phase 2 and 3

Phase 2 – Site B (south) and Phase 3 – Site C, are proposed for residential apartment use and will be in outline, with all matters reserved, framed within overall development parameters, as set out below:

- Phase 2 – Site B (south) is proposed to be redeveloped for up to 50 apartments in two six-storey buildings comprising a lower level of car parking and 5 storeys of residential above. The proposal will provide a mix of one and two bed apartments and associated car parking (40 spaces) to create the opportunity of riverside living within the town centre.

- Phase 3 – Site C is similarly proposed to be redeveloped for up to 70 apartments in a six-storey building providing a mix of one and two bed apartments and associated car parking (40 spaces) and new pedestrian bridge from Site C to Site B.

The detailed proposals that will be submitted with any future reserved matters application will provide details on the design of a new public footbridge over the canal from Site C to Forge Island. It will be located in the same location as the current footbridge but will access the Forge Island part of the site above the flood wall with direct access to Forge Square. During the construction of Phase 1 and until Phase 2 is complete the existing footbridge will be retained, so pedestrians will then have to walk up through the amphitheatre steps approved under the flood wall works into Forge Square.

Vehicular access to Site B will be retained directly from Corporation Street, via the existing vehicular access to the car park, between no 18 and 22 Corporation Street. This will serve the car park for the residential units and servicing for the café unit. Site C will continue to be accessed from The Statutes and this will serve the car park associated with the residential use.

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

#### *Design and Access Statement*

The statement provides details of the site, the surrounding context and the proposed use, layout, design, access, scale, appearance and landscaping of the site.

#### *Planning Statement*

The statement sets out the key considerations arising from the proposed development and assesses the proposals in light of the Development Plan and other material considerations. This statement contains a description of the site and its surroundings; an explanation of the development proposals; a review of the relevant planning policy; an assessment of the proposed development; and a conclusion.

#### *Air Quality Assessment*

The AQA is concerned with the presence of airborne pollutants in the atmosphere. This report assesses the potential for significant air quality impacts during the construction and operation of the Proposed Development, relating to pollutants such as nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>).

The report concludes that no significant effects to local air quality are anticipated from the proposals due to changes in traffic flows and car parks near the proposed development, and a range of operational mitigation measures have been included to limit the impact on sensitive receptors. Furthermore, emissions of construction dust have been assessed and it was



concluded there is a high risk to site B and a medium risk to sites A and C from the dust-generating activities from the proposed development if adequate mitigation is not implemented. However, with the appropriate good practice mitigation measures in place there are likely to be no significant effects from dust emissions during construction.

#### *Preliminary Ecological Appraisal*

The report identified habitats within the site, assessed the potential for or presence of any protected or notable species, potential ecological impacts, and further survey requirements, and outlined mitigation/potential enhancement options, as appropriate.

The report concluded that there would no impacts on statutory and non-statutory designated sites. Four buildings were identified to have low bat roost suitability and it is recommended that a dusk emergence / dawn re-entry survey is undertaken. The report noted that on part of the site a suitable habitat for foraging and commuting otter was identified and a method statement for construction will need to be implemented, and a suitable habitat for common breeding birds was identified within the site and any works during likely to damage a breeding bird nest should be undertaken outside the bird breeding season.

#### *Bat Report*

Dusk emergence surveys were undertaken on 'Buildings 1, 2, 3 and 4', sited on Corporation Street and due for demolition as part of this scheme. No roosts were identified in these buildings during the dusk emergence surveys. Consequently, no further surveys or mitigation are recommended for any structures on site.

It recommends that site landscaping planting includes native species which attract invertebrates and provide a food resource for bats, or suitable non-native nectaring species may be considered to augment native planting. Consideration should also be given to the artificial lighting design across the site to reduce the potential impact of lighting to bats.

#### *Noise Impact Assessment*

The report summarises the results of a baseline noise survey across all sites on nearby noise sensitive receptors, which have been identified as the residential unit above Bridge Inn PH and The County Borough PH, and the residential apartments at Keppel Wharf and Market Street.

Based on the results of the baseline noise survey, construction noise limits have been determined for nearby noise sensitive receptors, and a high-level assessment of areas that may present a particular risk in terms of construction noise / vibration. The activities that have the potential to create impacts have been identified, such as any driven sheet piling, and should any these activities be proposed it is recommended that a more detailed

assessment is undertaken prior to the works in order to more accurately predict impacts and identify mitigation options (where appropriate).

Based on the results of the baseline noise survey, noise limits for fixed plant and other operations have been determined to protect existing noise sensitive receptors from the effects of operational noise from the finished development.

The suitability of the site for the proposed residential uses has been undertaken, with regard to the adjacent railway line, whereby an assessment of the existing railway timetable and Supertram timetable has been assessed. The results confirm that based upon timetabled movements for both train and tram, allowance should be made for habitable rooms to be provided with ventilation mechanisms, which avoid the need to open windows. Furthermore, vibration at the boundary of the railway land was barely perceptible and given the residential development is a further 25m from the railway boundary it is concluded vibration impacts will be negligible.

The report concludes that noise and vibration impacts can be suitably controlled.

### *Sustainability Appraisal*

The appraisal sets out the sustainability performance of Phase 1 of the Forge Island project against the UN's Sustainable Development Goals (SDGs), which was used as a framework for appraisal. The SDGs were selected because they are complementary of Rotherham Metropolitan Borough Council's high-level policies and are a widely used framework that are appropriate for the scheme.

The SDGs are a collection of 17 global goals and for this scheme the key ones are listed as good health and well-being; decent work and economic growth; and sustainable cities and communities. The report considers each of the goals and describes how the development proposed will make contributions towards them.

### *Car Park Ventilation Strategy*

This note provides an overview of the current car park servicing strategy, looking at the requirements for both natural ventilation and an assisted natural ventilation system. An assisted ventilation system utilises both natural ventilation openings and induction fans to provide an installation that meets both air quality and fire safety system requirements.

The current preliminary design has been produced through discussions with PVE (car park ventilation specialists) and Eco Park (sustainable car park ventilation specialists).

The current proposals are in accordance with the requirements of Approved Document B (Fire) and Approved Document F (Air Quality). Additionally, the scheme has been designed to meet potential BREEAM requirements that are targeted as part of the development.

#### *Statement of Community Involvement*

The document provides information on the consultation undertaken in relation to the proposed development with the Council, at pre-application stage; notification to other stakeholders of the development i.e. Barnsley and Rotherham Chamber of Commerce; and with the community through a public exhibition at the 2019 Rotherham Show.

It notes approximately 100 questionnaires were given out and people were encouraged to fill these in and return them to the agents. From the responses received, several expressed that they were keen to see the development delivered. There were a few people saying “I’ll believe it when I see it” however the vast majority of people were supportive of the proposals with nobody critical of the mix of uses or the proposed design.

#### *Drainage Statement*

The statement provides details on the ground conditions; consultation with stakeholders; details of the proposed surface water drainage; proposed foul drainage details; and a drainage management strategy.

#### *Flood Risk Assessment*

The FRA provides details of the site; the proposed development; how the site relates to the Rotherham Renaissance Flood Alleviation Scheme (RRFAS); details on consultation with stakeholders; flood risk and mitigation summary for all sites; and off-site flood risk.

#### *Flood Risk Sequential Test*

The document shows that the application site lies within flood zone 1, and 2 and therefore a Flood Risk Sequential Test is required to assess whether there are any reasonably available alternative sites appropriate for the proposed development in areas with a lower probability of flooding.

The Sequential Test has demonstrated that there are no suitable and reasonably available sites in Flood Zone 1 that could accommodate the proposed development.

The ‘sequential approach’ to development has been considered and it has been demonstrated that the flood risk within the internal layout has been reduced. The site layout has been designed to maximise flood resilience as set out in the Flood Risk Assessment.

### *Water Framework Directive Preliminary Assessment*

The Water Framework Directive (WFD) Scoping Assessment identifies the potential effects of the proposed development on the current status objectives of water bodies present at the site (being the River Don and the South Yorkshire Navigation Canal).

The report concludes that based on the currently available information, the proposed development is not anticipated to cause a deterioration in the current status of either of the water bodies. The development is also not expected to prevent the future achievement of the status objectives of the River Don water body, with regard to the implementation of measures identified by the EA to address existing pressures on quality elements status. This includes the implementation and operation of adjacent Masbrough weir fish pass, which has recently been completed as part of the separate Rotherham MBC Flood Alleviation Scheme.

The proposed development is therefore considered to be compliant with the objectives of the WFD, at this stage of the design.

### *Landscape Strategy*

The Strategy reviews the site's town centre context, looking at key pedestrian connections and landscape features; comments on the quality and condition of existing public realm in the town centre; reviews relevant planning policy and local authority design guidance; analyses the physical condition of the site as existing; sets out the landscape design principles used to underpin the development of the masterplan, and site constraints; details the site wide landscape masterplan proposals; provides detailed design studies for each of the key routes and spaces proposed; and details key components of the landscape design e.g. materials, planting and street furniture.

### *Energy Statement*

The statement provides details in respect of the total energy consumption of the scheme, passive design considerations, energy efficiency of the scheme, what low and zero carbon technologies have been considered and may be used and how the construction phase will impact.

The statement indicates that, based upon the options assessed, further design development and discussions are required to determine which options or combinations of options are sufficiently viable and practical to be considered at the next stage of design. Based on initial calculations, heat sources such as Air-source Heat Pumps appear to be the most feasible option. These technologies providing thermal energy could be augmented by the use of photovoltaics to provide electrical energy as well as contributing towards the sustainability of the development.

In addition, it states Carbon emissions and energy consumption during the construction phase of the development should be considered to minimise impact on the environment.

### *Heritage Statement*

The statement summarises the principal policy guidance at national level relevant to the development proposals and the approach taken to the assessment including baseline data sources and criteria used. It also identifies those assets, both designated and non-designated, potentially affected by the development of the site and describes the proposed development. It provides an assessment of the heritage significance of those heritage assets potentially affected and considers potential development impacts upon this significance having regard to relevant national planning policy and guidance.

The statement concludes that the Site is considered to make a neutral contribution to the significance of the Conservation Area and to the setting of the Grade I listed buildings, the Church of All Saints, and The Chapel of Our Lady and the Rotherham Bridge, the latter also a scheduled monument. These assets, reflected in their higher grading, are highly sensitive to development change.

Overall the Heritage Statement concludes that it is not considered that the proposed development will give rise to harm to the identified built heritage assets. It will provide an opportunity, subject to detailing, to secure enhancement consistent with the aims of the adopted masterplan strategy and the policy guidance set out within the Framework.

### *Transport Assessment*

The purpose of this TA is to describe the existing conditions in the vicinity of the sites and assess the accessibility of the proposed development by all available transport modes. An assessment of the transport impacts associated with the development has been undertaken, informed by an examination of the existing and forecast levels of parking supply at the sites and movements relating to the uplift in car parking provision. Modelling of the new site access junction onto Bridge Street has also been undertaken to demonstrate its satisfactory operation.

The statement provides an overview of the parking numbers and access arrangements for all phases of the proposals and notes that the scope of the Transport Assessment has been agreed with the Council.

A trip generation exercise has been undertaken using the approach agreed with the local highway authority. The development is likely to generate no net increase in trips during a weekday (above that which can already be accommodated within the existing car park) and a net increase of 92 two-way trips throughout Saturday when the proposed car park is utilised in full.

The statement concludes the site is in a sustainable location within walking distance of the bus station, rail station, and walking and cycling facilities and the personal injury accident data for the last five years has not identified any highway concerns.

### *Travel Plan Framework*

The Travel Plan is aimed at delivering sustainable transport objectives and providing a range of benefits to the community as a whole. The Framework provides details on the development; a site assessment and transport audit; objectives and responsibilities; travel plan measures; targets, monitoring and reviewing; a communication strategy; and how it will be implemented.

### *Geotechnical and Geoenvironmental*

The report lists several geotechnical and geoenvironmental constraints on the site and provides details of the risk to the development and mitigation measures. It advises that future ground investigation incorporates a number of recommendations to fully characterise the site.

### *Archaeology Assessment*

This document assess the significance of any recorded archaeology assets within a 1km area of the development area, specifically: a review of the proposed development area in relation to the current legislative framework and other standards and guidelines; review of the South Yorkshire Historic Environment data for the site and its vicinity; identification and consideration of Archaeological Assets on and within the vicinity of the proposed development area; a search of relevant documentary and cartographic sources for the proposed development area and its surroundings; a walk-over survey of the site and the surrounding area; identification and assessment of the known and potential archaeological resource; recommendations where appropriate; and identification of any constraints.

The assessment has determined that since the late 18th century the site has seen significant development, primarily with the construction and development of the iron industry which saw significant expansion in the 19th century. It further notes the development including the construction of the car park, podium level and the buildings above this will be built above ground level given the flood risk levels recorded. Subsequently there will be minimal impact to underlying structures, deposits and / or features and on this basis no further works are proposed.

### *Enabling Works*

This document has been submitted to clarify the proposed enabling works, site clearance activities and foundation proposals for the Forge Island development. It provides details of the site level strategy; site clearance and enabling works; drainage utilities; building foundations and footbridge foundations.

## **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 a variety of purposes in the Local Plan. Site A (Forge Island) and Site B (Riverside Car Park) are allocated for 'Retail' purposes and Site C (Magistrates Court) is mostly allocated for 'Community Facilities' and a small section to the north-east (adjacent the canal) falls within land allocated as 'Green Space.'

The building fronting Corporation Street that forms part of Riverside Precinct is within the Rotherham Town Centre Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'  
 CS2 'Delivering Development on Major Sites'  
 CS3 'Location of New Development'  
 CS7 'Housing Mix and Affordability'  
 CS10 'Improving Skills and Employment Opportunities'  
 CS11 'Tourism and the Visitor Economy'  
 CS12 'Managing change in Rotherham's Retail and Service Centres'  
 CS13 'Transforming Rotherham Town Centre'  
 CS14 'Accessible Places and Managing Demand for Travel'  
 CS19 'Green Infrastructure'  
 CS20 'Biodiversity and Geodiversity'  
 CS21 'Landscape'  
 CS22 'Green Space'  
 CS23 'Valuing the Historic Environment'  
 CS24 'Conserving and Enhancing the Water Environment'  
 CS25 'Dealing with Flood Risk'  
 CS26 'Minerals'  
 CS27 'Community Health and Safety'  
 CS28 'Sustainable Design'  
 CS29 'Community and Social Facilities'  
 CS30 'Low Carbon and Renewable Energy Generation'  
 CS32 'Infrastructure Delivery and Developer Contributions'  
 SP19 'Development Within Town, District and Local Centres'  
 SP24 'Rotherham Town Centre Regeneration'  
 SP26 'Sustainable Transport for Development'  
 SP31 'Canals'  
 SP32 'Green Infrastructure and Landscape'  
 SP33 'Conserving and Enhancing the Natural Environment'  
 SP37 'New and Improvements to Existing Green Space'  
 SP38 'Protecting Green Space'

SP39 'Design and Location of Green Space, Sport and Recreation'  
 SP40 'Listed Buildings'  
 SP41 'Conservation Areas'  
 SP47 'Understanding and Managing Flood Risk and Drainage'  
 SP52 'Pollution Control'  
 SP54 'Contaminated and Unstable Land'  
 SP55 'Design Principles'  
 SP57 'Sustainable Construction'  
 SP59 'Shop Front Design'  
 SP62 'Safeguarding Community Facilities'  
 SP69 'Utilities Infrastructure'  
 WCS7 'Managing Waste In All Developments'

### **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.

The proposal shall also be assessed against:

- South Yorkshire Residential Design Guide (2011)
- Affordable Housing Interim Planning Statement (2020)
- Transport Assessments, Travel Plans and Parking Good Practice Guidance (2014)
- Delivering Air Quality Good Practice Guidance SPD (2014)
- Shop Front Design Guide (2006)
- Rotherham Town Centre SPD (2016)
- Emerging Air Quality and Emissions SPD (2020)
- Emerging Shop Front Design Guide SPD (2020)

### **Publicity**

The application has been advertised by way of press, and several site notices as it is a 'Major' development and as the proposals affect the setting of the Town Centre Conservation Area and several listed buildings. In addition, individual neighbour notification letters have been sent to adjacent properties. Three letters of representation have been received, one in support and two in objection.



The letter of support states: *“This is a fabulous development to kick start the regeneration of Rotherham and I fully support it. It should be fast tracked in order to be completed as quickly as possible. We need similar regeneration along corporate street and Bridgegate converting much unused retail (and pubs!) space into residential projects and planners should be fully supportive of any such residential conversion projects to alleviate the high vacancy rates in the centre of town and make Rotherham great again.”*

The objections received have been from Royal Mail and a firm of solicitors from Surrey.

The letter from Royal Mail states that while Royal Mail does not object to the principle of the development and supports the redevelopment of the Forge Island site, it wishes to protect its future interest at the Rotherham Delivery Office. Royal Mail’s concern is related to potential highways and noise impacts as a result of the proposed works. It further states that it respectfully asks that the Council consider the highways impact of the proposals on Royal Mail’s Rotherham delivery office in the determination of this hybrid planning application. It is also requested that the noise impact of the Royal Mail delivery office on proposed residential apartments be considered at the reserved matters stage.

The letter raises the following:

- The proposal should not prejudice the ability of Royal Mail to meet their statutory duty to collect and deliver letters six days a week to every address in the UK.
- The protection of existing businesses from such impact is a factor that is clearly recognised as important by the government in the National Planning Policy Framework at paragraph 182, which seeks to provide protection to existing businesses that are operating in locations before new forms of development are approved and implemented.
- Royal Mail needs to ensure uninterrupted access into and from its site on Main Street at all times. Any obstruction or significant increases in traffic on Main Street risks significant disruptions to Royal Mail’s operations and its ability to meet statutory and regulatory requirements.
- Royal Mail is concerned about the construction, operation and management of the site as well as the potential impact on the highway network.
- Request a pre-commencement condition is attached to the grant of any planning permission requiring a Construction Management Plan, and a Car Park Management Plan (building on the details included in the Transport Assessment) be submitted and approved in writing by the Local Planning Authority and Royal Mail is consulted on the discharge of condition submission and provided with the opportunity to comment.
- The nature of the type of use means that there is noise from the delivery office as well as from vehicles entering and leaving the site. Due to the anti-social hours that this work has to be undertaken, there may be significant disruption to the new residents of this development, which may cause them to complain to the Council. This will place

Royal Mail in the very difficult position of having to mitigate against factors, which are caused by actions beyond its control, in the form of the presence of a new development being located within the vicinity of its operational site.

- The noise assessment submitted does not take into account the noise generated from the Royal Mail Delivery Office. It is considered that this Noise Assessment should be revisited to include the Delivery Office in the assessment.

The letter from the firm of solicitors raises concerns about a building in Manchester that they purchased in 2004 which Muse were a development partner for and they believe Building Regulations on the building were unlawfully granted as the building did not have adequate Fire Safety Cladding. They indicate they object to any application by Muse.

The applicant has requested the right to speak at the Meeting.

### **Consultations**

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Landscape Design: No objections subject to conditions.

RMBC Trees and Woodlands: No objections but recommend more appropriate tree species.

RMBC Ecology: No objection subject to conditions.

RMBC Green Spaces: No objections subject to s106 contribution to improve green infrastructure and / or cultural improvements to the town centre environment.

RMBC Conservation / Listed Building: No objections.

RMBC Drainage: No objections subject to conditions.

RMBC Land Contamination: No objections subject to conditions.

RMBC Housing: No objections subject to the residential elements being in compliance with affordable housing policy.

RMBC Education: The catchment area schools for this site are Thornhill and Winterhill, of which neither are oversubscribed. Therefore, an Education contribution would not be requested in this instance.

RMBC Air Quality: No objections subject to conditions.

RMBC Environmental Health: No objections subject to conditions and informatives.

RMBC Environment, Energy & Data: Have provided details of how the scheme can assist in achieving the Council's primary targets of net zero carbon emissions across the Council by 2030 and the borough by 2040.

Rotherham NHS: Notes that services in this area are already pressured, but that to deal with increased pressure on services, the practices are now operating on a Primary Care Network approach to enable more 'at scale' working and have adopted new ways of working e.g. telephone and video consultation which should support patient management. Primary Care Networks also have access to an extended workforce to support practices. It is also considered that new developments cause population movement around the Borough e.g. young adults moving out of family homes and not significantly new population and therefore it would be expected that the patients would already be registered with local practices within the Primary Care Network and so can be accommodated.

Canal & River Trust: No objections subject to conditions and informatives.

Historic England: Welcome the consideration of these key setting impacts within the development of the proposals for Site A, in particular, the design of the proposed cinema, which by its nature is generally a bulky, generic form, has been given a sense of Rotherham's character through attention to treatment of the elevations, roof forms and materials. Also welcome the proposed views through to Rotherham Minster, which is a local landmark visible in views towards the town centre, as a result of the demolition of Riverside Precinct and 6-20 Corporation Street. However, they do have some concerns about the impact of the proposed demolition of these buildings on the character of the Town Centre Conservation Area in this location, as well as the potential impact of the proposed apartments on listed buildings and the Conservation Area.

Yorkshire Water: No objections subject to conditions.

The Environment Agency: No objections subject to conditions.

Network Rail: No objections subject to conditions and informatives.

South Yorkshire Archaeology Service: No objections subject to conditions.

South Yorkshire Police Architectural Liaison Officer: Have provided advice on ensuring the development can be built to Secured by Design standards.

South Yorkshire Police (Counter Terrorism Security Advisers): Have provided comments on the proposals in respect of ensuring the site is safe and secure.

South Yorkshire Fire & Rescue Service: No objections subject to informatives.

South Yorkshire Passenger Transport Executive: No comments have been received.

Sheffield Area Geology Trust: No objections.

Rotherham Open Arts Renaissance: No comments have been received.

Hunter Archaeology Society: No objections.

Rotherham Civic Society: No comments have been received.

Hallamshire Historic Buildings Society: No comments have been received.

Dearne & Dove: No comments have been 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.

NPPF paragraph 11 identifies that *“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

The main considerations in the determination of the application are:

- Principle of development
- Design considerations (including layout, scale, appearance etc.)
- Heritage impact (including archaeology)
- General amenity
- Highway impact

- Landscape and trees
- Green Spaces
- Ecology
- Drainage and flood risk
- Air quality
- Sustainability
- Land contamination
- Counter terrorism and Anti-Social Behaviour
- Affordable Housing
- Other considerations

### Principle of Development

The application is for the regeneration of Forge Island to create a new leisure quarter for Rotherham Town Centre with a cinema, restaurants, hotel, car parking, and residential uses set in new public realm.

The application is part in full and part in outline and the hybrid approach is required due to the phasing and delivery of the project. The proposals for the Hybrid Application are as follows:

- Full application for Phase 1, for Site A and Site B (north); and
- Outline application for Phase 2 – Site B (south) and Phase 3 – Site C.

Full application - Phase 1 (Site A and Site B (north)):

Site A (Forge Island) and Site B (North) are allocated for Retail purposes in the Local Plan and fall within the Rotherham Town Centre but outside of Primary and Secondary Shopping frontages, in addition the redevelopment of Forge Island is one of the key moves identified in the Town Centre SPD.

NPPF paragraph 80 states “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

NPPF paragraph 85 notes that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Policy CS11 ‘Tourism and the Visitor Economy’ supports leisure-related tourism facilities, improvements to the quality and offer of Rotherham’s visitor economy and to the image and perception of Rotherham, and which promote the borough as a visitor destination. In particular it notes that proposals focused on the borough's canal's and rivers will be supported where they can be delivered safely and in line with relevant flood risk policy.

Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' directs new retail, leisure, service facilities and other main town centre uses to the most appropriate centre in line with the retail centre hierarchy. Proposals will be expected to demonstrate how they contribute towards the strategy for each centre which, in the case of Rotherham town centre, is to maintain and enhance its role as the principal town centre in the borough. The proposed development would contribute significantly towards this strategy.

Policy CS13 'Transforming Rotherham Town Centre' supports improvements to the quality and diversity of retail and other town centre uses, promotes sustainable urban living, and enhancement of the public realm. It also refers to enhancing the centre's appeal as a family friendly destination and contributing towards creating a safe, attractive and accessible town centre; delivering new entertainment, leisure and cultural offer focused in the western part of the town centre; and improving the range and quality of retail and leisure facilities by providing opportunity for tourism and leisure facilities, such as quality food and drink, cinema and hotel developments, and expecting development proposals to have regard to the ten Renaissance goals (the updated renaissance goals are set out in the Rotherham Town Centre Supplementary Planning Document).

Policy SP19 'Development within Town, District and Local Centres' identifies a number of planning uses that would be acceptable in principle in retail allocations but outside of the main shopping areas.

Policy SP24 'Rotherham Town Centre Regeneration' encourages the redevelopment of Forge Island (bounded by the River Don, the Canal and Bridge Street) for office or leisure uses.

The adopted Rotherham Town Centre SPD includes a vision for the town centre which notes that *"...new town centre residents and visitors will benefit from an excellent cultural and leisure offer and an active night time economy. The town centre will become a truly family friendly destination..."*

The redevelopment of Forge Island is one of the key moves identified in the SPD to achieve this vision. The proposal complies with the guidance for this site, which supports a mixed use leisure hub. It would also comply with the relevant planning policies and guidance detailed above, and as such the principle of developing these sites are considered acceptable.

Outline Phase 2 - Site B (South) and Phase 3 - Site C:

The proposals for these two sites are for residential apartments with associated car parking and landscaping and are in outline with all matters reserved. Therefore, the main consideration in respect of this element of the scheme is the principle of residential development on these sites.

Paragraph 59 of the NPPF states: *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.*

In respect of Site B (South), which is currently a car park accessed off Corporation Street and set behind properties fronting Corporation Street, it is allocated for Retail purposes in the Local Plan and falls within the Rotherham Town Centre boundary. Part 2 of Policy SP19 ‘Development within Town, District and Local Centres’ identifies C3 dwellinghouses as being an acceptable use on this site. Accordingly, the principle of residential development on Site B (South) is acceptable.

Site C, which is the site of the former Magistrates Court and currently a temporary car park, is mostly allocated for Community Facilities, due to its previous use, although a small section to the north-east (adjacent the canal) falls within land allocated as Green Space.

Policy SP62 ‘Safeguarding Community Facilities’ states: *“...Development proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility, or that the retention of the land or building in community use is no longer viable, on the basis that:*

- d. the site or premises have been marketed to the Council's satisfaction for at least 12 months and included both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and*
- e. opportunities to re-let premises have been fully explored including the formation of a social enterprise or charitable group that can take over the premises; and*
- f. the premises / site have been marketed at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals); and*
- g. it has been demonstrated that the terms and conditions set out in the lease are reasonable and attractive to potential businesses, and that no reasonable offer has been refused.”*

The applicant’s Planning Statement confirms that following closure of the Magistrates’ Court the services are provided elsewhere to meet the needs of Rotherham, in that they have been transferred to Sheffield, and that the service also includes greater use of video to deal with certain issues. In view of the good levels of accessibility in general between Sheffield and Rotherham, it is considered that the needs are being met by provision elsewhere and policy SP62 has been satisfied.

A small part of the site is allocated as Green Space, associated with the area around the canal lock, and it is acknowledged that the area affected is for the

most part existing made ground associated with the road and adjacent car park. In view of this context and the provision of significant new Green Space as part of the detailed element of this application, it is considered that the proposal complies with criterion b. of Policy SP38 'Protecting Green Space', in that any loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. In light of the above it is considered that the residential use in these locations is acceptable.

Design considerations (including layout, scale, appearance etc.)

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.



Policy SP59 'Shop Front Design' states the Council will seek the highest standards in the control of shop frontages by requiring new shop frontages to respect the character and appearance of the area.

Development of this site will be of key significance to the regeneration of the town centre. As such high standards of design and layout will be vital to ensure that this becomes an integral part of the town centre and meets aspirations set out in the town centre SPD.

The proposed masterplan has evolved to provide a gateway to the river from Rotherham Minster and the town centre. The plinth design solution enables development on a site that has previously been restricted by flood risk. The arrangement of buildings and public realm will provide the opportunity to generate a new urban landscape to facilitate bringing people together from both local and regional areas.

The proposed design builds on the importance of key strategic routes between the town centre and points of public arrival building upon and reinforcing key routes through to the town centre.

Movement through and around the site is designed to offer views to key landmarks, including Rotherham Minster, by demolishing Riverside Precinct and 6 to 20 Corporation Street, and provide legibility and promote greater connectivity with the River Don and Canal.

The elevational treatment of the buildings is derived from historic precedent and processes that occurred on the site. The design seeks to merge new with the old and provide a design which is sensitive to its surroundings in respect of materials, form and appearance. For instance, the design of the proposed cinema, which by its nature is generally a bulky, generic form, has been given a sense of Rotherham's character through attention to treatment of the elevations, roof forms and materials. Other buildings proposed in Phase 1 have a mixture of old and new materials and a more modern design, particularly the standalone restaurant building and café.

In a further recognition to the town's past, the new public bridge over the River Don has taken inspiration from the Bailey Bridge, which was designed by Rotherham born Donald Bailey and used in World War II. The bridge proposed uses two steel diamond truss side panels connected with steel stringers to the base, clad in the same material as used in the construction of the buildings.

The Forge Island Square, Riverside Park, Millgate Place and other public realm improvements within the first phase will create an attractive environment within the town centre that will be accessible to all.

The Forge Island development will allow Rotherham to realise its vision for the town centre through diversifying the cultural offer and the implementation of high-quality design and active public spaces to create a new family friendly destination that is accessible to all.

The Canal & River Trust is the landowner of the Rotherham Cut of the Sheffield & South Yorkshire Navigation which lies to the west of Forge Island, and also have ownership interest at Masbrough Weir to the east. Policy SP31 'Canals' states: "The Council will be supportive of proposals for the sensitive restoration and maintenance, to navigable status, of the canals within its boundaries and will seek to protect the lines of those canals or an alternative, designated route from developments likely to prejudice any such future restoration and maintenance. Subject to satisfying other relevant planning policy, development adjacent to canals will be expected to:

- a. Be of a high quality design that integrates the canal into the development proposal in a way that treats the waterway as an area of usable space;
- b. Integrate the waterway, towing path and canal environment into the public realm in terms of the design and management of the development;
- c. Improve access to, along and from the waterway and improve the environmental quality of the waterway corridor;
- d. Optimise views of water and generate natural surveillance of water space through the siting, configuration and orientation of buildings, recognising that appropriate boundary treatment and access issues may differ between the towing path and offside of the canal; and
- e. Improve the amenity of the canal. Development that would have an adverse impact on the amenity of the canal by virtue of noise, odour or visual impact will not be supported."

The Trust confirm they are broadly supportive of the regeneration works alongside their network, which could also help improve the general environment and impression of Rotherham as someone enters the town from the Rotherham Train Station to the west. The Trust have indicated details of the drainage system, including details of any interceptors, should be provided to ensure any risk of pollution from the runoff can be adequately controlled. They have also requested the imposition of a condition requiring the submission of a Construction and Environmental Management Plan prior to construction works on each phase.

Notwithstanding the above, the Trust have raised some concerns that the rear elevation of the hotel and restaurant could detract from the character and appearance of the canal side area due to the location of the private gated off space which will serve as a service area for the restaurant. The storage of bins and service of the building would result in this elevation being prominent when viewed from the Train Station, and its appearance could have significant impact upon first impressions of the site. In addition, the Trust notes that the cinema building includes tall featureless walls on the east and west elevations that will be visible from both the river and the canal.

Revised drawings have been submitted which detail an increase in the restaurant seating area to wrap around the building with additional raised planters with trailing plants to improve the animation and amenity to the canal side. In addition to the outdoor restaurant seating overlooking the canal, the hotel has bedrooms which will also overlook the canal. In respect of waste materials, the use of the external podium adjacent the canal will be part of the management strategy of Forge Island and in accordance with the proposed strategy, waste materials will be stored internally within the units and moved to the compound in the basement car park for collection at agreed hours. The internal layouts of the restaurants are to be developed with the tenant at a later date. No provision for screened bin areas at podium level are intended as this will encourage an operation that is not acceptable to either the tenant or the Council.

In view of the above it is considered that the detailed proposals in relation to Phase 1

respond to the aspirations and requirements set out in the Town Centre SPD; the relevant Local Plan policies listed above and the relevant paragraphs of the NPPF and NPPG.

With regard to the proposals for Phase 2, as these are in outline with all matters reserved, little information has been submitted in respect of appearance, siting, scale, access and landscaping, and these will be assessed at reserved matters stage. However, it is noted that on Site B (South) the indicative plans show two six-storey buildings and on Site C one six-storey building. From the limited information provided with this application and the indicative drawings, it is considered that given the land levels and relationship with neighbouring properties the sites can accommodate buildings of this size and scale, without affecting the character and appearance of the area.

However, further detail will be required in due course as regards the outline elements of the application, through the submission of a reserved matters application(s).

#### Heritage impact (including Archaeology)

The sites proposed for development predominantly lie outside of the Rotherham Town Centre Conservation Area. They are part of the foreground to relevant views of the Conservation Area on its approach from the west, in which this is experienced in relation to the River Don, Forge Island and the South Yorkshire Navigation Canal. The sites are within the wider setting of the grade I listed All Saints Minster and Chapel of Our Lady and Rotherham Bridge, which is also a Scheduled Ancient Monument.

Overall, the current condition of the sites does not make a positive contribution to the historic environment and the redevelopment combined with the associated public realm and highways work has the potential to have a positive impact upon the built environment and quality of place in this part of the town centre. Although outside the Conservation Area, the sites –

particularly A and B - occupy a strategic location in relation to the town centre western approach by road and train, views towards the Minster, and views alongside the river and canal as part of the setting of the listed Chapel of Our Lady and Rotherham Bridge, and therefore have strong enhancement potential.

In determining this application regard will be had to the statutory duty of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting and preserving or enhancing the character and appearance of conservation areas.

Paragraph 192 of the NPPF states in determining applications consideration should be had to the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 to 202 sets out what should be considered when assessing the potential impacts of a proposal on heritage assets.

Policy CS23 'Valuing the Historic Environment' states Rotherham's historic environment will be conserved, enhanced and managed, in accordance with several principles. One of which states: *"The character and setting of Rotherham Minster...will be conserved and enhanced. Proposals will be supported which respect and enhance key views and vistas..."*

Policy SP40 'Listed Buildings' states development affect a listed building's setting will be considered against a number of principles, one of which states: *"...the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable..."*

Policy SP41 'Conservation Areas' states developments are required to ensure the preservation or enhancement of the special character or appearance of the Conservation Area or its setting.

#### Historic England's position on the application

The regeneration of the Forge Island sits is a key part of the Rotherham Masterplan and Historic England welcome the way in which the detailed proposals have taken account of the surrounding historic environment and the history of the site itself. This is considered important in establishing a sense of place within the development and ensuring it strengthens the character of Rotherham town centre.

Historic England have indicated that they welcome the design of the proposed cinema, which by its nature is generally a bulky, generic form, has been given a sense of Rotherham's character through attention to treatment of the elevations, roof forms and materials. They also welcome the proposed views through to Rotherham Minster, which is a local landmark visible in views towards the town centre. However, they have raised some concerns about

the impact of the proposed demolitions in Site B (North) on the character of the Conservation Area. They note that the building containing nos. 6 to 20 Corporation Street is a decent example of 1920s Art Deco commercial architecture. Although in itself it is not of great heritage significance in a national context, its value lies in the definition and sense of enclosure it provides to Corporation Street and the scale of the building complements the other buildings within the area. The boundary of the Conservation Area has been drawn to include this building and it has therefore been judged to contribute to the special interest of the area.

Historic England further note that whilst they understand that a degree of open space is required to create views through to the Minster, they are concerned that the extent of openness proposed will dilute the built form of the Conservation Area. Furthermore, the rationale for further public open space at Millgate Place, so close to Minster Gardens, does not seem to justify the loss of built form in this location and they recommend consideration is given to reinstating a building on the Corporation Street frontage for part of the site.

Historic England have recommended that the Council weighs the less than substantial harm this demolition would cause to the Conservation Area against the public benefits of the scheme as set out in paragraph 196 of the NPPF which states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Further to the above, Historic England note that the parameters for the proposed residential buildings on Site B (South) indicate that the buildings could be six storeys high. Additional wireframe drawings have been provided from two viewpoints, firstly at the junction of Main Street and The Statutes, and secondly from the vehicular entrance bridge from Market Street over the River Don in the main part of the Forge Island site.

Historic England, in additional comments received, state that these drawings show that the proposed residential blocks would obscure some views of the Minster from Main Street and Market Place Bridge. The loss of the view of the Minster from Main Street is regrettable and adds to the cumulative impact of previous developments along the riverside. However, Historic England considers that this would cause less than substantial harm to the overall significance of the listed building and if the Council are satisfied that the height of the proposed development is justified Historic England recommend this harm is weighted against the public benefits of the scheme, although in the detailed design of these blocks it would be beneficial if opportunities to reduce the height or introduce views through to the Minster could be achieved.

It is noted that in order to create and significantly improve views from Forge Island across Corporation Street to the Minster, the building fronting Corporation Street and the other two buildings within Riverside Precinct have to be demolished, and opening up of these views cannot be underestimated. Furthermore, without the loss of this building the scheme would not go ahead. It is considered that the loss of the building would represent less than substantial harm to the Conservation Area, and that the public benefit by way of regeneration of the Town Centre would justify any harm to the Conservation Area from the loss of this building.

Further to the above, the proposed demolition would provide an important opportunity to secure enhancement to the setting of the designated assets of Rotherham Minster, the Lady Chapel and Old Bridge and the Rotherham Town Centre Conservation Area. It will remove elements which currently make a negative contribution to their setting, including the current pedestrian footbridge linking Forge Island with the town centre and the 20<sup>th</sup> century Riverside Precinct buildings. It will, subject to detailing, improve the visual character of the existing edge to the Conservation Area in views from the west through new outward looking built form. The proposed layout of buildings within Forge Island will provide new areas of public realm and frame views onto the Rotherham Minster. This will be further enhanced through the installation of a new bridge crossing and further public realm along the Corporation Street frontage.

In respect of the views that might be lost by the potential six storey buildings on Site B (South), it is of note that the applicants have indicated that in order to make the building viable it has to provide 50 units and to get the units in the height of the buildings has to be six storey. This is due to the presence of a sewer that crosses the site and would either have to be built over or diverted, at significant cost. Furthermore, it is considered that the only views affected would be local views which are not main views of the Minster. The view from Main Street / The Statutes is only a fleeting view between buildings, and the view from the entrance bridge to Forge Island off Market Street is not a main pedestrian route. Accordingly, and as concluded by Historic England, it is considered that the impact on the Minster would be less than substantial.

#### Level of Harm

In respect of the above it is considered that even with the concerns raised, the level of harm associated with the proposed development and in particular the demolition of nos. 6 to 20 Corporation Street and the proposed six-storey building on Site B (South) would, as stated by Historic England, represent that of less than substantial harm. Consequently, the proposed works would need to address the requirements of paragraph 196 of the NPPF and the public benefits would need to outweigh the less than substantial harm.

### Public Benefit

It is considered that there are a number of public benefits to this scheme that would outweigh the less than substantial harm. These include:

- Removing elements which currently make a negative contribution to the setting of heritage assets
- Securing enhancements to the setting of heritage assets
- Economic
  - support economic growth and regeneration in Rotherham town centre
  - contribute significantly towards Rotherham's strategy for retail and service centre by maintaining and enhancing its role as the principal town centre in the Borough
  - provide much needed housing that will enhance the local economy
- Socially
  - support a strong, vibrant and healthy community by creating a well-designed and safe built environment, with accessible services
  - provision of a family friendly destination in the heart of the town centre
- Environmental
  - comprises the regeneration of a previously developed site for a high-quality development to complement their surroundings.
  - reduce car journeys from Rotherham to access leisure facilities by providing them in the town centre, close to public transport links
  - reduce congestion and pollution
  - impact on the local community and environment will not increase significantly

Having regard to the above it is considered that for the reasons set out, the proposed development would have a less than substantial harm on Rotherham Town Centre Conservation Area, but there are significant public benefits to developing this site that would outweigh this harm. Therefore, the scheme would comply with relevant paragraphs of the NPPF and Local Plan policies.

### Impacts on below-ground archaeological deposits

The proposed development would not have a direct impact on the Chapel of Our Lady on the Bridge Scheduled Monument itself, but the proposed development sites could contain undesigned contemporaneous archaeological remains that would make a positive setting contribution to the significance of the Scheduled Monument in enhancing the understanding of the structure, its origins and historic context. Therefore, if present, the loss of any such remains would cause some harm to that significance.

South Yorkshire Archaeology Service (SYAS) have stated that the application covers an area of importance in the post-mediaeval (and possibly earlier) history of Rotherham's growth as an important urban and industrial centre. The proposed re-development may have significant archaeological consequences and the site preparation, remediation and foundation design could have a major impact on buried archaeological features.

In this, the crucial concern is ground preparation and foundation design. Each of the re-development phases have different archaeological issues and are addressed separately below:

#### *Site A (Forge Island)*

This was the subject of an archaeological desk-based assessment which RMBC commissioned from ArchHeritage (Stenton, 2013), as part of the Rotherham Renaissance project. It assessed the likely impact of development for the whole of Forge Island, identifying the particular significance of the Walker iron works located in the southern half of Forge Island.

The applicants commissioned an archaeological assessment from BWB (McQueen, 2020). It includes some outline information on proposed ground remediation and foundation design, suggesting that, because of the thickness of overburden across the site, the proposed groundworks will not disturb the buried archaeological features.

#### *Site B (North)*

The northern part of Site B has a long history of use. It may be the location of the mediaeval town mill and was certainly the site of water-powered industry for most of the post-mediaeval period. Although demolished, evidence for this former use is likely to survive below ground.

The BWB report contains some brief information on proposed groundworks for the plot. It states that ground levels are to be raised by 1.5 – 2m but gives no details of proposed ground preparation works or foundation design, nor are there any ground investigation results. A substantial trench is proposed for services but its impact cannot be ascertained.

#### *Site B (South)*

The southern part of Site B was the location of the Butter Market Brass Foundry, the original Guest and Chrimes foundry until 1857. No ground investigation, groundworks and foundation proposals are available.



### *Site C*

This area appears to have been undeveloped until relatively recently, when the former Magistrates Court building was constructed. Archaeological potential is likely to be mainly for paleoenvironmental information, which can give evidence for past environment.

#### Summary

As detailed above, the application covers an area of importance in the post-mediaeval (and possibly earlier) history of Rotherham's growth as an important urban and industrial centre and the proposed re-development may have significant archaeological consequences. Proposed site preparation, remediation and foundation design could have a major impact on buried archaeological features.

SYAS initially raised concerns that insufficient information had been submitted on the proposed groundworks to be able to assess the impact on buried archaeological remains, but the potential for damage or loss is high and the crucial concern is ground preparation and foundation design.

The applicants have submitted additional information during the application process in respect of an enabling works report by ARUP, which states: *“Bulk earthworks will be required to clear the site of below-ground obstructions (concrete foundations, culverts, historical river wall alignments) to prevent refusal during piling within this made ground layer.”*

To ensure that the archaeological implications of any site enabling works at any depth are assessed and provided for, SYAS have recommended the imposition of a condition requiring the submission of a Written Scheme of Investigation be submitted and approved prior to any work commencing on each site / phase.

#### General amenity

In respect of amenity, whilst issues such as the physical impact of the proposed residential apartments cannot be fully assessed as details of their precise siting, height, design and appearance are to be provided in a reserved matters application(s), the impact of construction, noise and general disturbance, plant and machinery and lighting on existing neighbouring residents, the immediate surrounding area and future occupants of the proposed apartments can be assessed against the requirements of the NPPF and Local Plan policies.

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.

The site is located within a mixed residential/commercial area of the Rotherham Town Centre. There is potential for existing and future occupants to be affected during the construction phase and when the site becomes operational if this is not adequately controlled. In addition, there is potential for the adjacent railway line to affect future occupants of the apartment block on Site C.

As part of the planning process a Noise Impact Assessment was undertaken which assesses the suitability of the site for the proposed uses and also provides details of mitigation measures, where possible, in order to protect the occupiers of surrounding noise sensitive premises and proposed new residential apartments/hotel from being adversely affected by noise during the construction and use/operational phases.

#### Construction Phase

In respect of construction impacts, the Noise Impact Assessment notes that the majority of the nearest noise sensitive receptors are located to the east of the proposed development, within an urban setting with prevailing ambient noise levels. As such it notes that construction activity should not exceed 70dB. It goes on to state that on all sites driven sheet piling would exceed these levels and as such they should be avoided.

In regard to Site B, it states that it is directly adjacent existing residential development called The Old Market and in close proximity to Keppel Wharf, as such there is potential for most construction activities to exceed the proposed limit and hoardings around the site are likely to offer limited protection due to the elevated nature of The Old Market.

The report recommends that a detailed construction noise assessment be undertaken for these elements of the development, with any contractors required to demonstrate proposals for minimising potential impacts through the use of mitigation and the adoption of Best Practicable Means (BPM) or

Best Available Techniques Not Entailing Excessive Cost (BATNEEC). This may include selection of quiet equipment and continuous noise monitoring stations on the key site boundaries.

In terms of vibration from construction works the report notes that Site A, Site B (South) and Site C will be low and only medium for dynamic compaction. Site B (North) is likely to result in some vibration to existing buildings but these are not considered sensitive receptors.

It is therefore considered that whilst there will be some impact from the construction phase, this can be mitigated through the use of best practice construction methods and monitoring. Accordingly, a Construction Management Plan condition is recommended on any approval.

### Built Form

In respect of the built form proposed on Phase 1 (Site A and Site B North), it is considered that the proposed buildings would not appear overbearing or oppressive from either existing or future residential properties, and would not give rise to any overshadowing or loss of privacy, given the size, scale, height, massing and siting of the buildings, together with the location of the site, land levels, boundary treatments and distance to residential properties.

Further to the above, whilst the final design, size, scale, form and siting of buildings in Phase 2 (Site B South and Site C) 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 neighbouring residential properties, a scheme could be designed such that they would have no adverse impact on the amenity of existing neighbouring residents.

### Proposed Uses

With regard to the uses of the site and how they will operate, the Noise Assessment states that in respect of fixed plant / machinery they will be limited to 0dB over the representative background noise levels of 49dB (Daytime 0700 – 2300) and 44dB (Night-time 2300 – 0700).

With regard to operational noise limits, the proposed operational hours for the various elements of the development are Cinema, – 10:00 to 03.30; Hotel 24 hours; Food & Drink uses 08:00 to 02.00, though deliveries would be restricted to between 0700 and 2200 hours. These hours would allow greater flexibility in this town centre location and support the night time economy in this location.

#### *Cinema*

One of the primary requirements in the design of multi-screen cinema developments is ensuring that noise from external noise source does not impact on the use and enjoyment of film-goers and as such cinemas are typically designed with a high level of noise insulation. This noise insulation

will also ensure that noise from internal activity within the cinema should not impact on neighbouring noise sensitive properties.

The nearest residential units to the cinema block will be;

- The proposed hotel, although it is typical for modern hotels to be designed with ventilation systems avoiding the need for opening windows and given this is part of the wider masterplan it is considered suitable measures can be incorporated into the design / lease, such that the hotel can be excluded from this requirement • Residential aspects of the wider masterplan .
- Existing residential accommodation;
  - Bridge Tavern (NSR1) circa 185m to the north
  - The Old Market (NSR4) circa 75m south-east
  - Keppel Wharf (NSR5) circa 65m to the south

It is recommended that noise break-out from the cinema block should not exceed  $L_{ASMax}$  44dB at the nearest residential units. In the case of cinema operations, the  $L_{ASMax}$  levels are usually circa 10dBA higher than the  $L_{Aeq,T}$  noise levels, such that the resultant  $L_{Aeq,T}$  noise levels outside the residential units will be circa 34dBA, and therefore well below sleep disturbance criteria inside dwellings (with windows open).

### *Hotel*

Whilst the hotel will operate 24 hours a day, the noise levels produced by the operation are expected to be low. There will be some plant and equipment serving the hotel, which can be expected to operate 24 hours a day too, but such equipment can be designed selected to meet the plant noise emission limits specified. Noise break-out from operational aspects of the hotel are considered to be negligible. It is also likely that the hotel operator will have noise break-in requirements for guest bedrooms that are comparable to, if not better than those set out in BS8233:2014 / World Health Organisation criteria.

Noise levels were generally affected by water noise from the weir on the River Don to the south east of the measurement position, with intermittent car movements in the car parking areas. In the future development scenario the weir will be partially screened by the new cinema block and Block 3 restaurant, and as such future noise levels can be expected to be slightly lower

### *Food and Drink*

The food and drink units have the potential to create reasonably high levels of noise, depending upon the type of operator.

The restaurant within the hotel block (Block 2) is anticipated to be part of the hotel operation and therefore focussed on pub food / dining, and unlikely to create high levels of noise (the hotel operator will have strict noise transfer requirements to bedrooms regardless).

The standalone restaurant in Block 3 is close to the hotel and as such operations need to be compatible with the acoustic design of the hotel in order to ensure that guests are not disturbed. At this stage it is recommended that the design of the façade of Block 3 and operating noise levels to be incorporated into the lease for the operator, such that music noise levels do not exceed 50dB(A) at 1m from the façade.

The food and drink unit in the north of Site B is a standalone unit, but due to its size is also not considered to be a noisy operation and unlikely to play loud amplified music.

It should be noted that there is an additional level of control that can be incorporated through the licensing system for any public entertainment events.

#### *Residential – Site B*

Noise levels on the river facing elevations are expected to be in the order of  $L_{Aeq,T}$  63dB during the daytime and night-time (as noise levels are dominated by the weir which is continuous day and night) and on the rear elevation facing Market Street they are expected to be in the order of  $L_{Aeq,T}$  62dB during the daytime and  $L_{Aeq,T}$  55dB at night. A natural ventilation solution using open windows will not be appropriate to meet the internal noise criteria for apartments (assuming 15dB attenuation from outside to inside for a partially open window). However, this would not prevent windows from being opened, but would allow appropriate ventilation whilst meeting recommended noise levels with them shut.

#### *Residential – Site C*

The residential apartments in Site C are closest to the railway. They are also in close proximity to the Police Station but during the periods of attended surveys no police vehicles were heard to leave the site with sirens audible.

A review of the noise history traces from the long-term measurement positions failed to identify any short-term events with a tonal output normally emitted by sirens. As such it is considered the effect of the police station on the local noise environment is minor.

Based on a review of the published train time tables for the line, there are up to 10 trains an hour between 06:00 to 22:00, Monday to Saturdays, the earliest being around 05:30 and the latest being around 00:00 (both are services that don't stop at Rotherham but pass straight through). During the survey it was noted that all trains were 2 carriage diesel pacer type trains. The line is also used by the Supertram. There are generally 3 services in each direction per hour between 07:00 to 22:00. Services start at 05:51 and cease at 23:19.

Based upon the timetabled movements for both train and tram movements, the loudest daytime hour at the closest façade of the residential development is predicted to be  $L_{Aeq,1hr}$  58dB and during the night-time it is predicted to also be  $L_{Aeq,1hr}$  58dB (occurring between 06:00 and 07:00). The typical  $L_{AFMax}$  is predicted to be 70 to 75dB at night.

On the basis of the above it is considered that a natural ventilation strategy via opening windows would not be appropriate. As such allowance should be made for habitable rooms to be provided with ventilation mechanisms that avoid the need to open windows. Opening windows should still be provided for purge ventilation etc, but during purge ventilation scenario's internal noise levels are considered of low importance (e.g. removal paint fumes, excessive steam during cooking etc). As such, it is recommended that the windows to the residential apartments on Site C shall be designed and fitted in accordance with the details and figures set out in the submitted Noise Impact Assessment.

Vibration at the boundary of the railway land was barely perceptible and given the residential development is a further 25m from the railway boundary it is concluded vibration impacts will be negligible.

### Summary

Based on the results of the baseline noise survey, construction noise limits have been determined for nearby noise sensitive receptors, and a high-level assessment of areas that may present a particular risk in terms of construction noise / vibration.

In addition, based on the results of the baseline noise survey, noise limits for fixed plant and other operations have been determined to protect existing noise sensitive receptors from the effects of operational noise from the finished development.

Finally, the suitability of the site for the proposed residential uses has been undertaken, and where appropriate mitigation measures outlined in order to demonstrate that suitable conditions can be achieved.

In light of the above, it is considered that with appropriate limits and mitigation the impact of construction and operational use of the site can be suitably controlled.

### Response to objection from Royal Mail

An objection has been received by Royal Mail which as one of its main points raises concerns about noise from the Royal Mail site on future occupiers of the proposed residential apartments, and if any noise complaints are received by the Council it would fall on Royal Mail to provide mitigation or face a fine. Royal Mail indicate that this would be unfair given the established use of their site and that it would also be in conflict with paragraph 180 of the NPPF,

which requires planning decisions ensure that new development is appropriate for its location taking into account the likely effects of pollution.

The Council's Environmental Health department have indicated that whilst the issues raised in respect of noise impact from the Royal Mail site on future occupiers, they are of the opinion that there is little potential for noise from the Royal Mail site to affect future residents, given the siting of the apartment blocks and distance to the Royal Mail site.

They further note that if it was a problem, then the occupiers of Keppel Wharf and the Old Market apartments, which are sited closer to the Royal Mail site would have complained previously. Furthermore, they note that they have never witnessed any unreasonable noise from the Royal Mail site. In addition, as the apartments are being built in a Town Centre it should be expected by future occupiers that levels of noise in this location will be more elevated than say, in a rural location. It should also be expected that when they reside in a property located adjacent to a Royal Mail delivery office, that there will be early morning vehicular movements. There is no reason to include Royal Mail delivery offices in any noise report as it is known not to be a noisy site.

It is therefore considered that whilst the issue raised by Royal Mail has been taken into account, the impact of the development in respect of noise, general disturbance, light pollution etc. can be mitigated by imposing conditions to ensure the scheme is carried out in accordance with a Construction Management Plan to be submitted via condition, the submitted noise assessment and the opening hours are limited as required by the operators the proposal would raise no significant amenity issues. Accordingly, the proposal would be in accordance with paragraphs 127 and 180 of the NPPF and Local Plan policies CS27 and SP52.

#### Highway impact

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.

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 sites are located in sustainable locations and within acceptable walking distances to the bus station, rail station, and walking and cycling facilities. Accessibility to the sites is comparable to other nearby town centre destinations such as RMBC offices, Rotherham Minster, Bridgegate and Rotherham Town Hall. The sites are connected to the local highway network, via existing site access arrangements with the A630 leading towards the M1 motorway.

The current adopted 'Transport Assessments, Travel Plans and Parking Good Practice Guidance' (2014) states: *"Where a planning obligation is used to secure a travel plan, it will comply with the law as expressed in the Town and Country Planning Act 1990. In order to promote sustainable transport a figure of approximately £500 per dwelling is proposed to fund a range of measures which might include, but not be limited to:*

- *Provision of a subsidised public transport ticket*
- *A discount voucher for a pedal cycle*
- *Individual or family cycle training*
- *Provision of an enhanced bus service (larger developments)*
- *Membership of a car club (where available)*
- *Provision of a car share group*
- *Mechanisms to deliver real time public transport information*
- *Personal journey planning"*

The emerging 'Transport Assessments, Travel Plans and Parking Standards' SPD, which has yet to go to public consultation due to the Covid-19 situation states: *"Where a planning obligation is used to secure a Travel Plan, it will comply with the law as expressed in the Town and Country Planning Act 1990. In order to promote sustainable transport a sum of £500 per dwelling (to be reviewed at regular intervals) is proposed to fund a range of measures which might include, but not be limited to:*

- *Provision of a subsidised public transport ticket*
- *A discount voucher for a pedal cycle*
- *Cycle hire scheme*
- *Regular Dr Bike visits to the site or convenient nearby location*
- *Individual or family cycle training*
- *Provision of an enhanced bus service (larger developments)*
- *Membership of a car club (where available)*



- *Provision of a car share group*
- *Mechanisms to deliver real time public transport information*
- *Personal journey planning*
- *Improvements to infrastructure which, when provided, will improve pedestrian accessibility, in particular to services and facilities”*

It is therefore considered that the requirement for the residential elements to pay a commuted sum of £500 per unit towards the promotion of sustainable transport is justifiable and detailed in both adopted and emerging guidance. In addition, the development on Site A and B (north) will provide a Travel Plan in line with the Travel Plan Framework submitted with this application and this element will be secured via a condition.

Unfortunately, the additional traffic information requested by the agents i.e. the forecast traffic movements due to changes to College Road Roundabout, is not available. Furthermore, it would be inappropriate to undertake traffic surveys at this time due to changed traffic conditions arising from the Covid-19 situation. In these circumstances, the likely traffic impact has been assessed on the basis of the information submitted within the Transport Assessment.

In this respect, the agents have confirmed that weekday flows have been used (in the absence of Saturday traffic flows) which gives a robust assessment. Furthermore, cordon count data obtained from the Council has been used which gives a good indication of traffic flows entering and leaving the town centre. A review of average traffic flows for Fridays and Saturdays shows vehicular flows for Friday to be greater, particularly for the peak hour assessed in the TA (1900-2000hrs). No net increase in trips during a weekday are anticipated and some 92 No. additional two way trips are anticipated during Saturdays. The TA concludes that the modelling shows the staggered crossroads at Bridge Street / Greasbrough Road will continue to perform within capacity.

Whilst a local assessment of the site access at Bridge Street would have provided further confirmation of this, it is accepted that the proposed development will not have a severe residual cumulative impact on the road network and accords with the NPPF in that regard. However, the lack of forecast traffic details reinforces the need for the proposed access to Bridge Street to be designed and constructed with pedestrian safety of paramount importance. The NPPF requires that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas. Accordingly, changes to the design of the junction at Bridge Street are required, although these can be secured via a condition.

With regard to the possibility of “rat running” through the site between Main Street and Bridge Street, it is noted that a 5 mph speed limit within the site with an appropriate signage scheme is proposed. Manoeuvring of cars within the site would also prove an inconvenience for through traffic.

The location of the site and the development proposals support the strategy, aims and objectives of national, regional and local policy. The site meets with the Government's aims of achieving sustainable development, the presumption in favour of sustainable development and efficient use of land.

The site meets with the requirements of the Core Strategy to develop the town centre as a Principal Town Centre and the use of public transport will be encouraged to be maximised. The Masterplan guides the development of the site into an area that become a focal point for leisure activities.

Given the location of the site in the town centre and the excellent accessibility of the site to public transport services, it is considered that the proposed development accords with the decision-making considerations set out in the NPPF and the development is sustainable.

Considering the above, the development proposals are unlikely to cause an unacceptable impact on highway safety or a severe impact on the highway network and, therefore, should not be refused planning approval on highway grounds.

Further to the above, a representation has been received on behalf of the Royal Mail sorting office at Main Street who are concerned about possible delays to their delivery operations as a consequence of the proposed development. As pointed out above, the development is not anticipated to result in a nett increase in vehicle movements during weekdays and some 92 No. two way trips during Saturdays. Furthermore, the former Magistrates Court site off Main Street (Site C intended for up to 70 apartments with 40 parking spaces) currently operates as a public car park (some 50 spaces) and has temporary planning permission to increase this to 90 spaces (RB2018/1684). This being the case, it is considered that the proposed development traffic would not result in a material adverse impact in terms of congestion and delay for existing road users.

### Landscape and trees

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.”

Aspirations outlined above are further supported by the Council’s Town Centre Masterplan and Town Centre SPD. The Town Centre SPD sets out the key actions “moves” which need to be addressed by new developments such as :-

- Opening up the riverside to the town centre
- Creation of gold pedestrian routes
- Improving town centre gateways
- A connected Green network to deliver a corridor of healthy living.

The Council’s Landscape Design Team have indicated that the full application (Phase 1) has addressed many of these key actions (moves) and responds well to the key planning policy requirements together with other Council design guidance (including but not exclusively to the Rotherham Town Centre Masterplan).

They state the ‘Riverside Approach’ provides an attractive green link from Bridge Street, helping to screen the open air car parking and reduce any negative impacts on The Chapel of Our Lady on the Bridge.

The response to the public realm design is very well considered and Millgate Place will offer an attractive gateway/link between the Town Centre and Forge Island. The slightly more distant views of the Minster offered by this location will undoubtedly enhance the value of this space.

The applicant is proposing clay pavers for within the public realm areas though details of the size and colour have not yet been agreed. It is considered that subject to the submission of details via conditions in respect of this and of the planting plan, lighting scheme, and balustrade details the scheme will comply with the relevant policies and Town Centre SPD.

There are no trees on site at present, and the proposed development would introduce 80 trees mainly within the park area from Bridge Street to the main development platform along the river bank. The Tree Service have no objections in principle but they have raised concerns regarding some of the proposed species. They have raised concerns with the number of trees (3) in Millgate Place and the use of only small trees within Forge Square. Amended information was submitted and whilst the Tree Service Manager has raised no objections to the scheme they have confirmed that the standard landscape condition should be imposed to retain some control of size, location and species of trees to be provided within the site.

## Green Spaces

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..."

Policy SP37 'New and Improvements to Existing Green Space' states residential developments of over 36 dwellings or more shall provide 55 sq. metres of Green Space per dwelling on site. The residential development, which is being considered in outline only, does not by its nature affect any existing public open space provision and there is a proposed net gain in visual amenity within the town centre environment. The information provided with the application indicates that Site B (South) might be able to accommodate up to 50 units and Site C might be able to accommodate up to 70 units.

At a maximum of 120 units over the two sites the proposed development should be providing 6,600 sq. metres of new green space on site. The applicant has indicated that the main square on Site A forms part of the green space requirement for the apartments, however the Council's Green Spaces Manager disagrees with this premise due to the fact that the area is a formal hard surfaced precinct. In addition, the green spaces that are provided are not significant in size (it is usually accepted that areas smaller than 0.2ha have limited recreational value) and none of the incidental green spaces within this proposal meet this size, so limit the 'variety of experiences' that they can reasonably provide. As such, the required Green Space provision is not met.

Policy SP37 states: "where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space... then evidence shall be provided with the planning application to justify any lower level of Green Space provision on site or off-site contributions." As the developer's options to meet SP37 are limited by the town centre location a contribution at a rate of £390 per unit (which is similar to other recent town centre residential developments) would be sought via a S106 agreement for improved green infrastructure and / or cultural improvements to the town centre environment.

In respect of formal play equipment, Policy SP37 states that residential development schemes should be within 400 metres of an equipped play area. The addition of slides within the Riverside Park are welcomed, though they give only limited play value (a play area should give a variety of experiences such as spinning, climbing, balancing, sliding, swinging etc), as does the 'playful landscape'. As such it is considered that SP37 has not been met in this regard. The whole of the development site falls outside the prescribed 400m of an existing equipped play area, the closest being just outside the distance at Hollowgate some 550m away. However, as the units are predominantly 1 or 2 bedroom flats and the opportunity to provide space for play is limited within the area, and this would be an exception to providing further equipped play in this case.

## Ecology

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'."*

The Council's Ecologist has assessed the information submitted and has no objections subject to specific details regarding materials and species within the hard and soft landscaping on all sites being agreed via a suitably worded condition. Furthermore, the scheme should be carried out in accordance with the mitigation measures set out in the Bat Report and Preliminary Ecological Assessment to ensure the development satisfies the relevant planning policies and guidance listed above.

## Drainage and Flood Risk

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.”

Paragraph 163 states “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. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.

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.

A FRA and associated documents have been submitted in respect of drainage and flood risk.

The fluvial flood risk to site A has been assessed on the Flood Risk Toolkit data (as agreed with RMBC) and contained within FRA, Appendix A stating that the Flood risk toolkit was completed. In addition and in accordance with the Flood Risk Toolkit, compensatory storage is not required to mitigate the impacts of the development within Flood Zones 2 and 3. The applicant has stated in section 3.2 that the proposal is to retain the existing vehicular access points to serve each site and the level of the car park has been agreed at previous discussions.

The FRA has been carried out in accordance with the Rotherham Flood Risk Toolkit and is generally acceptable and the completion of a separate Toolkit

Checklist Proforma for each site is welcomed. However, there are some issues that still need to be addressed and these will be dealt with by conditions.

In light of the above an updated FRA based on existing flood risk, proposals to mitigate flood risk and sustainable drainage principles for the development will need to be submitted and approved before works commence, by way of a suitably worded condition. Further conditions in respect of flood risk that will be required will include the submission of a Flood Evacuation Plan, to be agreed and operational before the site is brought into use, and the submission of a flood route drawing showing how exceptional flows generated within or from outside the site will be managed, including overland flow routes, internal and external levels and design of buildings to prevent entry of water.

In addition, to the above the Flood Risk Toolkit requires development to provide space for the construction, inspection, maintenance and operational requirements of the Rotherham Renaissance Flood Alleviation Scheme (RRFAS) over its 120 year design life. Concerns were initially raised in this respect though the plans have been amended and a condition is recommended that would address these issues.

Further to the above there are no issues in respect of surface water from the site being discharged without any flow restriction, because the discharge will mainly take place during the peak rainfall which proceeds the peak flow in the river by several hours. Artificially delaying this discharge would increase the flow at the peak. It should be noted that even if there is no artificial restriction of this surface water discharge high river levels will prevent the system discharging freely, sometimes for many hours, and there will therefore still be some degree of attenuation capacity required within the system.

The calculated existing run off rates within the drainage strategy are too high. Where surface water is to be drained to a public sewer a reduction in run off will be required based on a more realistic run off rate. Run off rate as calculated would only occur at the peak of a very short intense storm and reducing from this rate would therefore not provide any reduction in flow for most types of rainfall events, particularly the longer ones which are critical for these larger drainage systems.

Accordingly, a condition is to be imposed which will seek the submission of a foul and surface water drainage scheme for the site before construction works commence and the details implemented before the site is brought into use. Further to this it will be required that surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Yorkshire Water have raised no objections to the scheme subject to conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

The Environment Agency have stated that the applicant would need to produce an evacuation plan for the car park and subject to conditions they have no issues with the proposed development.

Therefore having regard to the above it is considered that subject to the imposition of suitably worded conditions the required information can be secured and the scheme would comply with the requirements set out within the adopted Local Plan policies and the NPPF.

### Air Quality

Policy CS28 Sustainable Design states that: “Development proposals will be expected to secure sustainable design and construction, ensuring the flexibility and adaptability of new development.” Policy CS30 ‘Low Carbon & Renewable Energy Generation’ states: “Development must seek to reduce carbon dioxide emissions thorough the inclusion of mitigation measures...”

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.

With regard to the above a key theme of the NPPF is that development should enable future occupiers to make “green” vehicle choices and paragraph 110 states amongst other things that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The Air Quality Assessment submitted in support of this application concludes that it is predicted there will be no significant adverse impacts on local ambient air quality at relevant sensitive receptor locations during the operational phase of the proposed development due to changes in traffic flows.

It also puts forward a range of operational mitigation measures to mitigate the impact of the emissions predicted to arise from the development on new and existing sensitive receptors. The mitigation measures are:

- For residential dwellings 1 Electric Vehicle charging point should be provided per unit (dwelling with dedicated parking) or 1 EV charging point per 10 spaces (unallocated parking);
- The use of mitigation measures to design the layout of the development proposals should take air quality into account;



- For Commercial/Retail developments 10% of parking spaces to be provided with an electric vehicle charging point. This may be phased with 5% initial provision and the remainder at an agreed trigger level;

The mitigation measures are as set out in the emerging SPD 'Air Quality and Emissions', as such the Council's Air Quality Officer has raised no objections subject to a condition requiring the details of the type of EV charging point and their location within the site being submitted and approved prior to each phase being brought into use. As such, the scheme would comply with the above policy and paragraph 110 of the NPPF and the provision of Electric Vehicle charging points and the associated take-up of ultra-low emission vehicles would also assist in improving air quality.

### Sustainable development

The Council has declared a climate change emergency and has two primary targets of achieving net zero carbon emissions across the Council by 2030 and the borough by 2040.

Policy CS30 'Low Carbon & Renewable Energy Generation' states: "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."

An Energy Statement to support the application has been submitted which confirms that consideration will be made for the inclusion of Low and Zero Carbon Technologies within the design process or post project completion / after handover. From the options assessed the applicant has indicated that the use of Air Source Heat Pumps appears to be the most feasible option. Other technologies providing thermal energy could be augmented by the use of photovoltaics to provide electrical energy as well as contributing towards the sustainability of the development, supporting the objectives.

Policy SP57 'Sustainable Construction' requires non-residential buildings over 1,000 square metres to achieve BREEAM 'very good standards' unless it can be demonstrated that it would not be technically feasible or financially viable. A Sustainability Statement has been submitted with this application which describes the key principles that have been considered on this scheme in order to lessen the impact of the proposed development on the environment and reduce the carbon dioxide emissions and confirms that a BREEAM rating of 'Very Good' will be targeted for this development.

The potential connection to the proposed Templeborough Biomass Power Plant for heating has been investigated and the applicant has indicated that they did hold discussions regarding the Templeborough Biomass Power Plant

in June 2019. Through these discussions, timescales were discussed and completion of the facility was optimistically 2023 (with likely completion being 2024 given the impact to the local highways and bridges etc). These timeframes do not fit with the completion dates for Forge Island and it was also not considered commercially viable to retrofit such a system. As such connection to this system was not included as part of the feasibility study.

### Land Contamination

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..."

Site A formerly comprised the Tesco's Supermarket and historically, the site was occupied from the 1850's onwards by Rotherham Iron Works, which later became occupied by Rotherham Forge and Rolling Mills until around the late 1970's. Infrastructure associated with the iron works included gas holders, travelling cranes, chimneys, tanks and a railway line running across the site.

Additionally, a sawmill was also observed to occupy the northern area of the site. More recently an electrical substation was located within the northern section of the site, although this is to be demolished as part of the flood defence works taking place. All above ground past infrastructure has been demolished.

The northern end of Site B was formerly occupied by sand beds and by a mill dating back to 1753. However, by 1934 the northern end of the site had become occupied by a cattle market and an abattoir. During the late 1880's the south end of the site was developed with a mill, several other buildings and a slaughterhouse which have all now gone.

Formerly, a canal ran through Site C until it was infilled in the 1850s and a railway line was built across the site. The railway line was subsequently dismantled, and Rotherham Magistrates Court was built in its place in the early 1990's. In 2017, the Magistrates Court was demolished and all below ground basements and tunnels linked to the Police Station were backfilled.

Past intrusive site investigations have been undertaken across Site A. The findings of those investigations revealed elevated concentrations of polycyclic aromatic hydrocarbons (PAHs) and areas of localised asbestos which have the potential to impact on human health. These investigation works however were limited and did not include for the footprint area below the former Tesco's store. Marginally elevated concentrations of heavy metals and ammonia were also recorded in the shallow groundwater beneath the site. No site investigation works have been undertaken on Sites B and C.

Due to the history of both industrial and commercial land uses and building demolition across all sites, made ground is anticipated to be present beneath all sites and may contain a range of contaminants including metals/metalloids, hydrocarbons, PAHs, PCBs, VOCs, SVOCs and ground gases. On Site B there is also potential for anthrax spores to be present beneath the former abattoir area which will need to be investigated prior to full intrusive site investigation works being undertaken across Site B.

There are also likely to be significant geotechnical risks/constraints in relation to anticipated thicknesses of made ground and soft alluvium deposits across the sites. Significant thicknesses of made ground will be present across the three sites and it is likely to be highly variable in nature, including large concrete obstructions/relic foundations etc. Piled foundations are likely to be required for all the buildings across all the sites.

In conclusion it is recommended that further intrusive site investigations are taken across all site areas to fully assess the potential presence and extent of contamination and to adequately characterise ground conditions to provide the necessary geotechnical data for foundation design. Remediation works may be required to bring each of the three sites to a suitable condition to be protective of human health for its proposed commercial and residential end use.

When development works commence some excavated materials will likely be required to be reused on site. As excavated soils could be considered to be a regulated Waste Activity, a Materials Management Plan may be required in accordance with the CL:AIRE Definition of Waste Code of Practice that would allow for excavated materials to be reused.

The site falls within the sand and gravel, and shallow coal and clay mineral safeguarding areas, 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..."

Paragraph 5.69 of the submitted Planning Statement confirms why prior extraction of minerals is not taking place, and this explanation satisfies the requirements of part 1 of Policy CS26 'Minerals'.

#### Counter Terrorism and Anti-Social Behaviour

Policy CS28 'Sustainable Design' states: "Development should protect or contribute to securing a healthy and safe environment, including minimising opportunities for crime, the risk of terrorism and addressing any specific risks to health or safety from the local environment. Encouragement will be given to incorporation of Secured by Design principles in new development and in the design of public spaces."

NPPF Section 8 Promoting Healthy and Safe Communities states: “Planning policies and decisions should promote public safety and take into account wider security and defence requirements by: a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate (this includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres). Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.”

The aim in promoting Counter Terrorism Design Principles is to create safer places whereby people and property can be protected from a terrorist attack. Any subsequent counter terrorism measure should of course be proportionate to the levels of risks associated with the site.

There is potential for vehicles to access Site B (North) from Corporation Street and drive onto the proposed new pedestrian bridge to the podium and Forge Square, unless measures are put in place to stop vehicular borne attacks of the site. There is also the potential issue of a vehicle accessing the undercroft car park section and detonating a car bomb next to one of the columns holding up the podium, if the columns are not blast resistant or measures are put in place to limit the height of vehicles that access the undercroft car park section. Finally, the glazing to the building should be considered to minimise shatter in the event of an attack, which would cause more damage to users of the area.

It is considered that all access routes in and out of public open spaces should be overlooked and have as much natural surveillance over them as possible, which is the case in this instance due to the number of active frontages and open public spaces. In addition, the site should include mitigation measures to stop hostile vehicle attacks and the development constructed in line with blast resistance requirements.

A scheme has been submitted which sets out the site security measures proposed and where they will be sited within the development. These include the use of bollards and raised planters to mitigate vehicle access to pedestrian areas within Site B (North) and at the pedestrian entrance to the Riverside Park from Bridge Street. The incorporation of a central handrail on stairs; a height restriction of 2.1m to the car park beneath the podium; and the use of laminated toughened glazing to glazed facades are also proposed. The scheme will also allow CCTV to be provided through the development to public realm on Site B to Corporation Street; the new pedestrian footbridge;

access stair cores and lift lobbies; car park access points; undercroft parking areas; Bridge Street gated access; and pedestrian access to north. An active surveillance strategy will be in place with 6 planned visits per day to car park areas. Furthermore, street lighting to all public realm areas will be provided.

All the measures listed above are considered acceptable and appropriate to ensure the site can be as safe for its users as possible, and the precise details of the type of bollards, raised planters and lighting to be used within the site will be secured via appropriate conditions.

### Affordable Housing

The application cites the Council's affordable housing policy CS7 'Housing Mix and Affordability' and the need to consider this as part of the reserved matters application. The residential sites will be brought forward as two separate reserved matters applications (Phase 2 B - South – up to 50 apartments and Site C – up to 70 apartments). Affordable housing will be determined at this point. The preference for the affordable housing contribution is a commuted sum in lieu of off-site delivery of affordable housing. This is because Housing Associations are reluctant to purchase apartments in blocks where they do not own the whole of the building due to the difficulty in controlling maintenance arrangements and service charges.

The affordable housing commuted sum is set at 40% of the open market value for the required number of units. This is because affordable housing units normally transfer for around 60% of the open market value to Housing Associations. As the Council are retaining ownership of these residential sites the affordable housing shall be secured by way of a condition on this application which sets out the mechanism for a legal agreement as and when the reserved matters applications are submitted.

### Other Considerations

Site C sits adjacent to the railway line and in close proximity to Rotherham Central Station. Network Rail have raised no objections to the scheme in principle, but have set out a number of requirements that must be met in the form of planning conditions and informatives, all of which are standard requirements and should not affect the delivery of the overall development.

In respect of waste management requirements, it is considered that the information provided in the planning statement and design and access statement are not acceptable as regards the waste management requirements which are set out in policy WCS7 'Managing Waste In All Developments'. As such a Waste Management Plan complying with WCS7 will need to be submitted and will be secured by way of condition to any permitted scheme.

## Conclusion

The regeneration of the Forge Island sites is a key part of the Rotherham Masterplan and development of these sites is of key significance to the regeneration of the town centre and will allow Rotherham to realise its vision for the town centre through diversifying the cultural offer. This will be achieved with the implementation of a high-quality designed development, that takes account of the surrounding historic environment and the history of the site itself, and active public spaces to create a new family friendly destination that is accessible to all.

The detailed design builds on the importance of key strategic routes between the town centre and points of public arrival building upon and reinforcing key routes through the town centre.

Overall the proposals respond to the aspirations and requirements set out in the Town Centre SPD, the relevant Local Plan policies and the relevant paragraphs of the NPPF and NPPG. Accordingly, for the reasons set out above 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 **12, 25, 26, 32 and 45** of the full planning 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 **12, 25, 26, 32 and 45 of the full planning permission** 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.'

## **Conditions relating to Phase 1 (Site A and Site B (North)) – Full Planning Permission**

### GENERAL

01

Phase 1 of 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)

3491-FBA- BX-XX-DR-A-01000 P1, received 25 March 2020  
 3491-FBA- XX-XX-DR-A-90011 P1, received 25 March 2020  
 3491-FBA- XX-XX-DR-A-90010 P1, received 25 March 2020  
 3491-FBA-AX-00-DR-A-01000 P1, received 25 March 2020  
 3491-FBA-AX-01-DR-A-01100 P2, received 8 June 2020  
 3491-FBA-A1-XX-DR-A-01000 P1, received 25 March 2020  
 3491-FBA-A1-XX-DR-A-01020 P1, received 25 March 2020  
 3491-FBA-A1-XX-DR-A-01021 P1, received 25 March 2020  
 3491-FBA-A1-XX-DR-A-01050 P1, received 25 March 2020  
 3491-FBA-A1-XX-DR-A-01051 P1, received 25 March 2020  
 3491-FBA-A1-XX-DR-A-01052 P1, received 25 March 2020  
 3491-FBA-A1-XX-DR-A-01055, received 25 March 2020  
 3491-FBA-A2-00-DR-A-01000 P1, received 25 March 2020  
 3491-FBA-A2-01-DR- A-01100 P1, received 25 March 2020  
 3491-FBA-A2-XX-DR-A-01020 P1, received 25 March 2020  
 3491-FBA-A2-XX-DR-A-01050 P1, received 25 March 2020  
 3491-FBA-A2-XX-DR-A-01051 P1, received 25 March 2020  
 3491-FBA-A2-XX-DR-A-01052 P1, received 25 March 2020  
 3491-FBA-A2-XX-DR-A-01053 P1, received 25 March 2020  
 3491-FBA-A3-00-DR- A-01000 P1, received 25 March 2020  
 3491-FBA-A3-XX-DR-A-01050 P1, received 25 March 2020  
 3491-FBA-A3-XX-DR-A-01051 P1, received 25 March 2020  
 3491-FBA-A3-XX-DR-A-01052 P1, received 25 March 2020  
 3491-FBA-A3-XX-DR-A-01053 P1, received 25 March 2020  
 3491-FBA-B1-00-DR- A-01000 P1, received 25 March 2020  
 3491-FBA-B1-XX-DR A-01020 P1, received 25 March 2020  
 3491-FBA-B1-XX-DR A-01050 P1, received 25 March 2020  
 3491-FBA-B1-XX-DR A-01051 P1, received 25 March 2020  
 3491-FBA-BR-XX-DR-A-01000 P1, received 25 March 2020  
 3491-FBA-CX-00-DR- A-01002 P1, received 25 March 2020  
 FB-SK-3491-04.06.20-NH-01, received 4 June 2020  
 3491-FBA- XX-XX-DR-A-90013 P1 (Proposed Uses Plan), received 25 March 2020  
 3491-FBA-XX-XX-DR-A-90023 P1 (cross section including b and c) , received 25 March 2020  
 3491-FBA-XX-XX-DR-A-90022 P1 (cross section including b and c) , received 25 March 2020  
 3491-FBA- AX-01-DR-A-01102 P1, received 8 June 2020  
 FB-SK-3313-10.06.20-NH-01 (Indicative podium section)



## Reason

To define the permission and for the avoidance of doubt.

03

No construction of external walling or roofing on any building on Site A or Site B (North) shall take place until details of the materials to be used in the construction of the external surfaces of the buildings 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

In order to ensure a satisfactory appearance in the interests of visual amenity.

## HIGHWAYS

04

The development shall not be commenced until details of a revised access with Bridge Street, of geometry and appearance to all road users consistent with the requirement for drivers or riders of turning vehicles to give way to crossing pedestrians in accordance with Highway Code Rule 170, and with pedestrian access into the site on both sides, have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

## Reason

In the interests of road safety and to provide a safe access to and from the site for all highway uses.

05

Details of a car parking management strategy shall be submitted to and approved by the Local Planning Authority before the development is brought into use and the approved strategy shall be implemented throughout the lifetime of the development.

## Reason

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

06

The measures contained within the framework Travel Plan dated 20<sup>th</sup> March 2020 shall be fully implemented during the lifetime of the development on Site A. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring strategy.

## Reason

In order to promote sustainable transport choices.

07

Before the development on Site A is brought into use the car parking, including accessible bays, as shown on the approved plans and detailed in section 4.3 of the Design and Access Statement dated March 2020 shall be provided, marked out and thereafter maintained for car parking.

## Reason

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

08

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

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

All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

## Reason

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

09

Prior to the development on Site A being brought into use, details of the provision of EV charging points to 10% of the parking spaces proposed and the provision of electric cabling to a further 10% ducted (20% total) shall be submitted to and approved by the Local Planning Authority. The development shall not be brought into use until the relevant infrastructure and charging points have been provided, and the charging points shall thereafter be retained.

## Reason

In the interests of sustainable development and air quality, and to allow for increase demand.

10

Details of vehicular directional signage in locations to be agreed with the applicant shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use

## Reason

In the interests of road safety.

11

The proposed cycle parking facilities listed on page 35 of the Transport Assessment shall be provided before occupation of the respective uses within the site.

## Reason

To promote sustainable transport modes.

12

Prior to the commencement of development on each phase, 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;
- measures to prevent exposure of the water environment from dust, debris or silt-laden run-off from the construction site;

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

The Plan shall have regard to BS5228 Code of Practice; 'Noise Control on Construction and Open Sites' and shall, where necessary, detail any required noise mitigation methods.

The approved measures shall be implemented throughout the construction period.

## Reason

In the interests of highway safety and amenity.

## SITE SECURITY

13

Prior to the development on Site A and Site B (North) being brought into use details of the site security measures set out in draft on Drawing Number 3491-FBA- AX-01-DR-A-01102 P1 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the site is brought into use and shall thereafter be retained and maintained.

## Reason

To ensure the site is safe and secure and prevent vehicles from accessing the site footways.

NOISE/ODOUR

14

All windows to guest bedrooms within the hotel shall be designed and fitted in accordance with the details and figures set out in paragraph 5.3.1.1 of the submitted and approved Noise Impact Assessment by MZA Acoustics, March 2020. Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

## Reason

In the interests of amenity.

15

The use of the cinema shall only be open to customers or for deliveries between the hours of 10:00hrs and 03:30hrs Mondays to Sundays.

## Reason

In the interests of residential amenity.

16

The use of all food and drink establishments shall only be open to customers or for deliveries between the hours of 08:00hrs and 02:00hrs Mondays to Sundays.

## Reason

In the interests of residential amenity.

17

All deliveries to the site shall take place between the hours of 07:00hrs and 22:00hrs Mondays to Sundays.

18

Noise break-out from the cinema block shall not exceed LASMax 44dB at the nearest residential premises.

## Reason

In the interests of residential amenity.

19

Music noise levels shall not exceed 50Db(A) at 1m from the façade of the standalone restaurant (Building 3).

## Reason

In the interests of amenity of hotel guests.

20

Externally mounted fixed plant on site shall not exceed the following noise limits at 1m from any noise sensitive façade:

- Daytime (07:00hrs until 23:00hrs) – 49dB LAr,Tr
- Night-time (23:00hrs until 07:00hrs) – 43dB LAr,Tr

The above limits are cumulative and shall be achieved for the site wide masterplan.

Reason

In the interests of residential amenity.

21

All cooking fumes shall be exhausted from the buildings via a suitable extraction and / or filtration system. This shall include discharges at a point not less than one metre above the highest point of the ridge of the building or any such position as may be agreed in writing by the Local Planning Authority prior to their installation development. The extraction/filtration system shall be maintained and operated in accordance with the manufacturer's specifications, details of which shall be submitted to and approved by the Local Planning Authority prior to installation and it shall thereafter be implemented prior to the use commencing and operated effectively during cooking. All systems shall take into account the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA January 2005.

Reason

So as to ensure correct dispersion of cooking odours to avoid disamenity to the locality.

22

Detail of any external lighting shall be submitted to and approved in writing by the Local Planning Authority and the approved details implemented. Any external lighting to be installed shall meet the guidance provided by the Institute of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution." Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled shall be eliminated by the inclusion of shielding to prevent glare or by angling to prevent light emitting directly above the horizontal plane. In addition, the location and colour of lights shall not give rise to the potential for confusion with the signalling arrangements on the railway.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and to ensure the safety, operational needs and integrity of the railway.

## WASTE MANAGEMENT

23

Prior to each phase of the development being first occupied a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 1) information on the amount and type of waste that will be generated from the site;
- 2) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);
- 3) an assessment of the potential to re-use or adapt existing buildings on the site (if demolished it must explain why it is not possible to retain them);
- 4) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 5) measures to minimise the use of raw materials and minimise pollution of any waste;
- 6) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 7) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and
- 8) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

### Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

## SUSTAINABLE CONSTRUCTION

24

The buildings hereby approved which are over 1,000 sq. metres 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.

## LAND CONTAMINATION

25

Prior to construction works commencing, a Phase II Intrusive Site Investigation shall be undertaken to assess the geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and shall be in accordance with section 6.2, page 38 of the above report entitled Geotechnical & Geo-environmental Desk Study – Forge Island, Rotherham Redevelopment – Muse Developments – Prepared by Ove Arup & Partners Ltd, dated March 2020, reference FID-ARUP-XX-XX-CG-0001, Job No. 271929-00. A written report of the findings must be produced and will be subject to approval in writing by this Local Planning Authority.

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

### Reason

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

26

Subject to the findings of the Phase II Intrusive Site Investigation and prior to construction works commencing, a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

### Reason

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

27

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning

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

#### Reason

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

28

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

#### Reason

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

29

Subject to the findings of the Phase II Intrusive Site Investigation, suitable drinking water supply pipes may need to be used on site and the specification of which will be submitted to and approved in writing by the Local Planning Authority to ensure resistance from chemical attack from any residual contamination remaining in the ground.

#### Reason

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

30

Following completion of any remedial/ground preparation works a Validation Report will be forwarded to the Local Planning Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed



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

#### Reason

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

### DRAINAGE

31

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.

32

Development shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. During construction, if the approved scheme has not been implemented, temporary arrangements shall be put in place to limit surface water runoff to the agreed discharge rates. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of any surface water run-off to the canal or public sewerage system to rates to be determined by the Canal and River Trust and Yorkshire Water Services Ltd respectively;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

#### Reason

To ensure that the development can be properly drained.

33

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

Reason

To prevent pollution of any watercourse.

34

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 surface water is not discharged to the public sewer network to prevent overloading and that the site is properly drained.

35

Prior to any discharge to an appropriate outfall, surface water run-off from hardstanding areas (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces shall pass through an oil, petrol and grit interceptor / separator, the details of which shall have been submitted to and approved by the Local Planning Authority.

Reason

To prevent pollution of the aquatic environment.

36

The development shall be carried out in accordance with the submitted flood risk (FRA) assessment from Muse Developments Ltd dated 19 March 2020(ref FID-ARUP-XX-XX-RP-CD-1001) and the following mitigation measures it details:

- The bridge linking Sites A and B is to be provided as part of the development and the soffit of the structure is to be positioned at a minimum level of 28.24m AOD so as to provide an overall 1550mm freeboard above the climate change level.
- Permanent access must be maintained for the Environment Agency as set out in Section 3.2 headed Vehicular access also on drawing FID-ARUP-XX-XX-SK-CD-1101 P02.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

## Reason

To reduce the risk of flooding to the proposed development and future occupants; to mitigate the risk of debris causing damage during a flood event and prevent flooding elsewhere; and to maintain permanent access at all times.

37

The development shall not be brought into use until a Flood Evacuation Plan for the undercroft car park has been submitted to and approved by the Local Planning Authority.

## Reason

To ensure users will be safe from flooding.

38

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

## Reason

To ensure that the development can be properly drained and will be safe from flooding.

39

No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary 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. If the required stand-off or protection measures are to be achieved via either a diversion or formal agreement to build over the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or build over agreement has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

## Reason

In the interest of public health and maintaining the public sewer network.

40

No construction work shall take place until, details of how access for construction of the proposed canal barrier and future maintenance and repair of the barrier and the flood wall located alongside the Sheffield and South Yorkshire Navigation is to be provided, shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented accordingly.

## Reason

To ensure that future maintenance/repair of the flood wall can take place

LANDSCAPING

41

Prior to the commencement of above ground development, details of materials to be used in the hard landscaping to the public realm areas including sample boards, unit sizes and laying bond shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

## Reason

in the interests of the visual amenities of the area.

42

Notwithstanding the landscape scheme submitted, prior to the commencement of above ground development on each phase, 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, including details of any balustrades etc. on existing walls adjacent the River or Canal.
- 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.

43

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

#### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

44

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and public realm areas shall be submitted to and approved by the Local Planning Authority prior to the completion or first occupation of the part or phase of development to which it relates, whichever is the sooner. The management shall thereafter be carried out in accordance with the agreed management scheme.

#### Reason

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public and biodiversity significance.

### ARCHAEOLOGY

45

#### Part A (pre-commencement):

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

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

**Part B (pre-occupation/use):**

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

**Reason**

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

**Conditions relating to Phase 2 (Site B (South) and Site C) – Outline Permission**

GENERAL

01

- a. Application for approval of reserved matters for Phase 2 must be made within five 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 on each Phase, details of the layout, scale, appearance, access and landscaping of the sites shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

**Reason**

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

03

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

3491-FBA- BX-XX-DR-A-01000 P1, received 25 March 2020  
 3491-FBA- XX-XX-DR-A-90011 P1, received 25 March 2020  
 3491-FBA- XX-XX-DR-A-90010 P1, received 25 March 2020  
 FB-SK-3313-08.06.20-NH-01, received 8 June 2020

#### Reason

To define the permission and for the avoidance of doubt.

### AFFORDABLE HOUSING

04

The residential development on Site B (South) and Site C, respectively, hereby approved shall not begin until a scheme for the provision of affordable housing as part of the development in accordance with Rotherham Core Strategy Policy CS7 'Housing Mix and Affordability' (adopted 2014) has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme.

If provision is to be made on site the scheme shall include:

- i. the numbers, type, and location on the site of the affordable housing provision to be made;
- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced, or

If provision is to be made off site the scheme shall include:

- i. details of the mechanism to provide off site provision in lieu of on site provision having regard for the viability assessment criteria set out in Policy CS7 'Housing Mix and Affordability'.

#### Reason

In the interests of securing affordable housing.

### HIGHWAYS

05

Details of vehicle charging points (10% of unallocated parking spaces) for the residential accommodation on Site B (South) and Site C, shall be submitted to and approved by the Local Planning Authority. The respective development shall not be occupied until the approved charging points have been provided, and they shall thereafter be retained.

## Reason

In the interests of sustainable development and air quality.

06

The detailed plans to be submitted in accordance with this outline permission shall include details of the widening of the existing footway on the Market Street frontage of the site to 2.5 metres. The approved details shall be implemented before the first occupation of the development on Site B (South).

## Reason

In the interests of pedestrian safety.

07

The detailed plans to be submitted in accordance with this outline permission shall include a car parking management strategy.

## Reason

In the interests of road safety.

08

The detailed plans to be submitted in accordance with this outline permission shall include a segregated pedestrian route between Main Street and the proposed development at Site C (former Magistrates Court site).

## Reason

In the interests of pedestrian safety and connectivity.

09

Prior to the commencement of development on each phase, 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;
- measures to prevent exposure of the water environment from dust, debris or silt-laden run-off from the construction site;
- risk assessment in relation to the railway and 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 shall 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 adjacent to the railway boundary a method statement should be submitted for Network Rail approval.



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

The Plan shall have regard to BS5228 Code of Practice; 'Noise Control on Construction and Open Sites' and shall, where necessary, detail any required noise mitigation methods.

The approved measures shall be implemented throughout the construction period.

#### Reason

In the interests of highway safety and amenity and to ensure the safety, operational needs and integrity of the railway.

### LAND CONTAMINATION

10

A Phase II Intrusive Site Investigation shall be undertaken to assess the geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and shall be in accordance with section 6.2, page 38 of the above report entitled Geotechnical & Geo-environmental Desk Study – Forge Island, Rotherham Redevelopment – Muse Developments – Prepared by Ove Arup & Partners Ltd, dated March 2020, reference FID-ARUP-XX-XX-CG-0001, Job No. 271929-00. A written report of the findings must be produced and will be subject to approval in writing by this Local Planning Authority.

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

#### Reason

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

11

Subject to the findings of the Phase II Intrusive Site Investigation, a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must

be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

12

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

13

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

Reason

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

14

Subject to the findings of the Phase II Intrusive Site Investigation, suitable drinking water supply pipes may need to be used on site and the specification of which will be submitted to and approved in writing by the Local Planning Authority to ensure resistance from chemical attack from any residual contamination remaining in the ground.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15

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

Reason

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

16

In the event that gas protection measures are required for each new build at sites B (south) and C, then details of the gas protection membranes to be used along with drawings to show how the membrane will fit into the overall building design shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented during construction and installation of the gas protection measures is to be verified by an independent third party by the submission of a validation report.

Reason

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

## DRAINAGE

17

The sites shall be developed with separate systems of drainage for foul and surface water on and off site. All surface and foul water arising from the proposed works shall be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure and there shall be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including

earthworks, bridges and culverts. All surface water run off and sewage effluent shall be handled in accordance with Local Council and Water Company regulations.

**Reason**

In the interest of satisfactory and sustainable drainage and to ensure the safety, operational needs and integrity of the railway.

18

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 surface water is not discharged to the public sewer network to prevent overloading and that the site is properly drained.

19

Prior to any discharge to an appropriate outfall, surface water run-off from hardstanding areas (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces shall pass through an oil, petrol and grit interceptor / separator, the details of which have been submitted to and approved by the Local Planning Authority.

**Reason**

To prevent pollution of the aquatic environment.

20

The development shall be carried out in accordance with the submitted flood risk (FRA) assessment from Muse Developments Ltd dated 19 March 2020 (ref FID-ARUP-XX-XX-RP-CD-1001, JOB NO 27929). Any mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants; to mitigate the risk of debris causing damage during a flood event and prevent flooding elsewhere; and to maintain permanent access at all times.

21

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

## Reason

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

22

No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary 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. If the required stand -off or protection measures are to be achieved via either a diversion or formal agreement to build over the sewer , the developer shall submit evidence to the Local Planning Authority that the diversion or build over agreement has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

## Reason

In the interest of public health and maintaining the public sewer network.

23

The detailed plans to be submitted in accordance with this outline permission shall include 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. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. During construction, if the approved scheme has not been implemented, temporary arrangements shall be put in place to limit surface water runoff to the agreed discharge rates. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of any surface water run-off to the canal or public sewerage system to rates to be determined by the Canal and River Trust and Yorkshire Water Services Ltd respectively;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

## Reason

To ensure that the development can be properly drained.

24

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

Reason

To prevent pollution of any watercourse.

### LANDSCAPING

25

Prior to the commencement of above ground development on each phase, details of materials to be used in the hard landscaping to the public realm areas including sample boards, unit sizes and laying bond shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason

In the interests of the visual amenities of the area.

### ECOLOGY

26

The development shall be carried out in accordance with the recommendations of the submitted and approved Preliminary Ecological Assessment and Bat Survey Report. Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

### WASTE MANAGEMENT

27

Prior to each phase of the development being first occupied a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 1) information on the amount and type of waste that will be generated from the site;
- 2) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);

- 3) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 4) measures to minimise the use of raw materials and minimise pollution of any waste;
- 5) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 6) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and
- 7) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

#### Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

### AMENITY

28

Detail of any external lighting shall be submitted to and approved in writing by the Local Planning Authority and the approved details implemented. Any external lighting to be installed shall meet the guidance provided by the Institute of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution." Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled shall be eliminated by the inclusion of shielding to prevent glare or by angling to prevent light emitting directly above the horizontal plane. In addition, the location and colour of lights shall not give rise to the potential for confusion with the signalling arrangements on the railway.

#### Reason

In the interests of the amenities of the occupiers of nearby dwellings and to ensure the safety, operational needs and integrity of the railway.

29

All windows to the front elevation of the residential apartments on Site B (South) shall be designed and fitted in accordance with the details and figures set out in paragraph 5.3.1.2 of the submitted and approved Noise Impact Assessment by MZA Acoustics, March 2020. Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

#### Reason

In the interests of residential amenity.

30

All windows to the residential apartments on Site C shall be designed and fitted in accordance with the details and figures set out in paragraph 5.3.1.3 of the submitted and approved Noise Impact Assessment by MZA Acoustics, March 2020. Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of residential amenity.

### NETWORK RAIL

31

Details of a barrier to prevent vehicles driving into or rolling onto the railway or damaging the lineside fencing shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented before the development on Site C is brought into use. Network Rail's existing fencing / wall shall not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Reason

To ensure the safety, operational needs and integrity of the railway.

### ARCHAEOLOGY

32

Part A (pre-commencement):

A Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.



**Part B (pre-occupation/use):**

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

**Reason**

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

**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 restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway, by complying with the following good practice guidance.

- Except in case of emergency, no operations shall take place on site other than between the hours of 08:00 to 18:00 hours Monday to Friday and between 08:00 to 13:00 hours 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 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.
- 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 BS5228 Code of Practice; 'Noise Control on Construction and Open Sites'.
- At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers

whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily.

- Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.
- Vibration shall not exceed a Peak Particle Velocity (PPV) level of 5mm/s (PPV) in any axis (vertical, longitudinal or transverse) in the frequency range 1 to 80Hz at any nearby vibration sensitive receptors.

## 02

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

## 03

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.

## 04

### Fire Appliances

#### Site A

1. Access for appliances should be in accordance with Approved Document B, Volume 2, part B5, Section 15.
2. Water supplies should be in accordance with Approved Document B, Volume 2, part B5 section 16.

## Site B&C

1. Access for appliances should be in accordance with Approved Document B, Volume 1, part B5, Section 13.
2. Water supplies should be in accordance with Approved Document B, Volume 1, part B5, Section 14.

05

The applicant / developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 or [Enquiries.TPWNorth@canalrivertrust.org.uk](mailto:Enquiries.TPWNorth@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works will comply with the Trust's 'Code of Practice for Works Affecting the Canal & River Trust'.

06

The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge a trade effluent to the public sewer network.

07

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

08

Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

09

The Environment Agency strongly recommend the use of flood resistance and resilience measures where possible. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact the Council's Building Control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

[https://www.ciria.org/Research/Projects\\_underway2/Code\\_of\\_Practice\\_and\\_guidance\\_for\\_property\\_flood\\_resilience.aspx](https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx)

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

10

Identification of safe access and egress for the property during a flood event should be made. It is recommended that a flood evacuation plan for safe access from the Car Park should be formulated and dwelling occupants are advised to sign up to Floodline Warnings Direct. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

11

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- On or within 8 metres of the River Don classified as a main river For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

12

In respect of work on Site C, the developer will be required to liaise with Network Rail's Asset Protection Team prior to work commencing on site C to ensure that work can be undertaken safely and without impact to operational railway safety. Issues to be discussed and agreed will include, construction methodology, use of crane and plant, scaffolding and boundary treatments. The contact details for our Asset Protection Team are below:

Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 3B  
George Stephenson House  
Toft Green  
York  
Y01 6JT

Email: [assetprotectionlneem@networkrail.co.uk](mailto:assetprotectionlneem@networkrail.co.uk)

13

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.

14

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. 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 for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

15

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.

16

Because of the nature of the proposed developments there could be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

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

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

19

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

20

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 air-space 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.

21

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

22

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. A comprehensive list of permitted tree species is available upon request.

23

The agreement to condition 04 of the outline permission (Affordable Housing/Sustainable Transport Measures/off-site Green Space and play area contributions, respectively) would be by a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990.

24

The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

25

The development across all three sites is recommended to be constructed to achieve Secured by Design accreditation.

## 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 Hybrid planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

|                              |   |
|------------------------------|---|
| <b>Application Number</b>    | <b>RB2020/0660</b>  |
| <b>Proposal and Location</b> | Application for prior approval of the siting and appearance re: erection of 20m telecommunications Phase 8 Monopole C/W wrapround cabinet at base & associated ancillary works at Land at Whitehill Lane, Brinsworth, Rotherham |
| <b>Recommendation</b>        | <b>That Prior Approval is Required and is Granted</b>   |



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

### Site Description & Location

The application site is situated at Whitehill Lane, which lies within the established, built up residential area of Brinsworth, Rotherham. It is proposed to locate the telecommunications mast and the associated cabinets to the eastern side of a small area of trees, shrubs and bushes on the footpath, which has Whitehill Lane to the east and Whitehill Road / Whitehill Drive to the west.

The site is approximately 15 metres west from the nearest residential property on Whitehill Lane and approximately 24 metres east from the nearest residential property on Whitehill Road. North of the site, and at the opposite side of the junction of Whitehill Road and Whitehill Lane, is a fenced off area of green space and residents' car parking spaces, and to the south a wide pavement separates Whitehill Lane and Whitehill Drive.



## **Background**

Under the telecommunications “prior approval” procedure set out within Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015, as amended, before installing certain telecommunications apparatus under permitted development rights, a code system operator must apply to the Local Planning Authority.

The Local Planning Authority has 56 days in which to decide whether the application requires prior approval, and if so, to approve or refuse the application. A decision must be made and notified to the applicant within this 56 day period. The applicant would automatically receive deemed approval if the decision were to be made and notified to the applicant outside this time limit. The expiry date (of 56 days) for this application is 23 June 2020.

Planning permission has effectively been granted for the development and the principle of the development is not, therefore, at issue. The Local Planning Authority can only look at the siting and appearance of the proposal.

A prior notification may be determined in one of three ways, these being:

1. The prior approval of the Local Planning Authority as to the siting and appearance of the proposal is not required or,
2. The prior approval of the Local Planning Authority as to the siting and appearance of the proposal is required and is granted or,
3. The prior approval of the Local Planning Authority as to the siting and appearance of the proposal is required and is refused.

Option 1 allows the applicant to proceed with the development in accordance with the details submitted (effectively a non-conditional approval). Option 2 in accordance with the additional details, which may be specified by the Local Planning Authority (effectively a conditional approval). Option 3 prevents the development proceeding in accordance with the submitted details.

## **Relevant Planning History**

RB2011/0119 – Application for prior approval of siting and appearance of 12.5m high telecommunications mast, 1 No. equipment cabinet and mains pillar – Granted

## **Proposal**

The application is for prior approval of the siting and appearance regarding the erection of a 20 metres high telecommunications Phase 8 Monopole complete with wrapround cabinet at the base and associated ancillary works at land at Whitehill Lane, Brinsworth, Rotherham.

The proposed siting of the pole is to the east of a small area of trees, shrubs and bushes to the rear of the central footpath between Whitehill Lane and Whitehill Road. A designated highway crossing area with tactile surfacing and flanked by bollards is also within close proximity. The monopole and equipment cabinets are to be of a grey galvanised steel construction.

The applicant has submitted a supporting statement that details the need for a new mast at this location to provide 5G coverage and has demonstrated the designated cell search area to be extremely constrained. The cell search areas for 5G are extremely constrained with a typical cell radius of approximately 250m meaning that it would not be feasible to site the column outside of this locale.

The higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded. In this area there is an acute need for a new mast to deliver the above.

The nature of the 5G antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.

The options for the position of the monopole are extremely limited and the only viable solution that minimises amenity issues is the site selected. The proposed site is located within a densely packed residential area, with no scope to pull the mast outside of this area and give the cell 5G coverage.

## 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 adopted Rotherham Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

### Local Plan policy(s):

SP11 'Development in Residential Areas'

*Residential areas identified on the Policies Map shall be retained primarily for residential uses.*

*All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.*

*Non-residential uses will be considered in light of the need to maintain the housing land supply and create sustainable communities, and normally only permitted where they:*

- a. are 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.*

SP61 'Telecommunications' states:

*The Council supports and encourages the expansion of electronic communications networks, including telecommunications and high speed broadband.*

*Proposals for the installation of telecommunications equipment should demonstrate that:*

- a. there is no significant adverse effect on the external appearance of the building on which, or space in which, they are located;*
- b. the development would not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historical interest; or any historic parks and gardens;*
- c. the possibility of sharing facilities, such as masts, cabinet boxes and satellite dishes, and erecting antennae on existing buildings or other structures has been fully explored and where practical becomes the preferred location;*
- d. technologies to miniaturise and camouflage any telecommunications apparatus have been explored;*
- e. they are appropriately designed, coloured and landscaped to take account of their setting; and*
- f. there is no unacceptable adverse impact on the visual amenities of neighbouring occupiers.*

NPPF paragraph 112 states:

*Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).*

## **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 4No site notices (7 May 2020) and letters to neighbouring premises (5 May 2020). The Council has received ten representations, including one from a local ward Councillor. These are summarised as follows:

- The mast will be unsightly and does not need to be in the middle of a residential estate. Don't want to be looking at this through my window. Plus, I think these things can cause health issues
- The proposed placement of the mast would be directly outside of our family home and would be in full view from every window on that elevation and would be the same for all of the surrounding houses as well
- The fact that the mast stands at 20 metres tall has a serious safety issue for the surrounding homes, if there was any failure in the structural integrity of the foundations for the mast, then it could easily strike one of the surrounding dwellings
- The cost to the surrounding home owners could not only be their health from radiation caused by the masts but also a financial cost through the considerable depreciation that the mast would cause on house prices

around the site, the kerb side appeal to anyone wanting to sell their property would be non-existent due to the placing of a 20 metre galvanised pole erected in the direct vicinity of their homes.

- We believe the proposed positioning of the 20m tower is a danger to nearby residents due to the proximity of local residential houses. We are also concerned that as Whitehill Lane is a busy highway there is a significant risk of it being hit by vehicles thereby endangering residents and their property
- This mast, and the associated radio waves that it will transmit, will be detrimental to the health of residents and pupils at the two nearby primary schools. We also feel that it will greatly reduce the value of properties in the local area, as it will be an eyesore in the middle of a highly populated residential area.
- I object to this mast being erected as there are safety concerns around the transmission of telecoms masts and also in the current climate, there is a possibility that the mast may be vandalised, based on current news reports and strong public objection to 5G masts.

The elected local ward Councillor's comments are summarised below;

- unhappy at the 5G apparatus using this access to Brinsworth, as is one of the four main entrances to the neighbourhood and part of a main bus route which is difficult to manoeuvre/traverse even in good weather.
- The pole would look unsightly in a main grassed 'local green' residential area and localised shops and will be viewed continually by residents who live below it along with commuters and shop uses.

## **Consultations**

Transportation Infrastructure Service – 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 primary issues to be considered in the determination of this notification application are matters in respect of siting and appearance. However, of additional material consideration are matters relating to health and safety raised by objectors.

### **Siting and Appearance**

The proposed telecommunications pole is proposed to be 20 metres in height, with the site of the proposed installation within a predominantly residential area, positioned to the side of the pavement which splits Whitehill Lane and Whitehill Road.

Whilst the site is almost on the brow of the hill of Whitehill Lane, the proposed location of the apparatus is level in relation to its immediate surrounding.

The site is adjacent to the footpath and on the edge of a wedge-shaped area of greenery in the middle of a wide pavement, containing several shrubs, bushes and a mature tree approximately 12 metres in height.

The site is approximately 15 metres west from the nearest residential property on Whitehill Lane and approximately 24 metres east from the nearest residential property on Whitehill Road.

When considering the siting of the proposed structure, it is important to take account of whether it is appropriate in the context of the surrounding environment. The monopole would be 20 metres in height and consists of a single pole structure with associated equipment cabinets, which are considered to be of a small scale.

The site is located on a main road (Whitehill Lane), with the surrounding environment urban in character. The immediate street scene includes several street lights which are 8 metres in height and have a similar appearance to the proposed monopole, and a mature tree standing approximately 12 metres high. These vertical elements of the neighbourhood are considered to create an environment where the addition of a further pole would not appear as an incongruous or visually intrusive feature in the street scene or the surrounding area.

This part of Brinsworth has a mixed use character, comprising of residential properties and local shops. The nearest residential properties lie on the opposite side of Whitehill Lane and Whitehill Road, approximately 15 and 24 metres respectively from the pole. No. 134 Whitehill Road and nos. 44 and 46 Whitehill Lane would face the pole, however due to the distance to the pole from the properties, the land levels and given the mast would be seen against the backdrop of neighbouring lamp posts and a mature tree, the pole would have a limited impact on residential amenity.

Taking on board the above information with regards the siting and design of the proposal and that there are no appropriate alternative sites available in the vicinity that would enable the 5G network to work optimally, it is considered that the proposal complies with local and national planning policies.

The Council's Highways Officer has raised no objections to the siting of the cabinet as the footway width is adequate surrounding the proposed location.

### **Public Health**

The health concerns raised in many of the letters of objection are noted.

Whilst health is a material consideration when considering applications for development, the National Planning Policy Framework states that Local Planning Authorities should not reconsider health matters where the applicants have self-certified that the base station conforms to the International Commission on Non-Ionising Radiation guidelines. In this case, the applicant has submitted a certificate stating that the proposal will meet the guidelines as recommended in the Stewart Report. As per paragraph 116 of the NPPF, it is therefore not for the Local Planning Authority to consider further the health aspects and concerns relating to the proposal.



## **Conclusion**

In conclusion, the applicant has demonstrated an overall need for a 5G mast within this location. Furthermore, the evidence provided demonstrates that the proposed monopole of this design is a suitable solution for this area given the lack of alternative sites within the immediate surrounding area.

Paragraph 112 of the NPPF encourages the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide. Central Government is also supportive of the provision of 5G network infrastructure.

Whilst it is recognised that the height of the proposed mast is above that of the surrounding street furniture, the mast will not appear out of place within this urban environment, is located on a central island away from the nearest residential properties and will benefit from the limited backdrop of green vegetation provided by the adjacent tree and shrubbery.

As such, the proposal is considered to be in accordance with local and national policy guidance and it is recommended that prior approval for its siting and appearance is approved.

## **Conditions**

01

The development shall be carried out within a period of five years from the date of this approval.

## **Informative(s):**

01

The applicant's attention is drawn to the need to obtain a license from the Council's Streetpride Service (tel no. 01709 254478) in respect of works undertaken within the highway.

## **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.