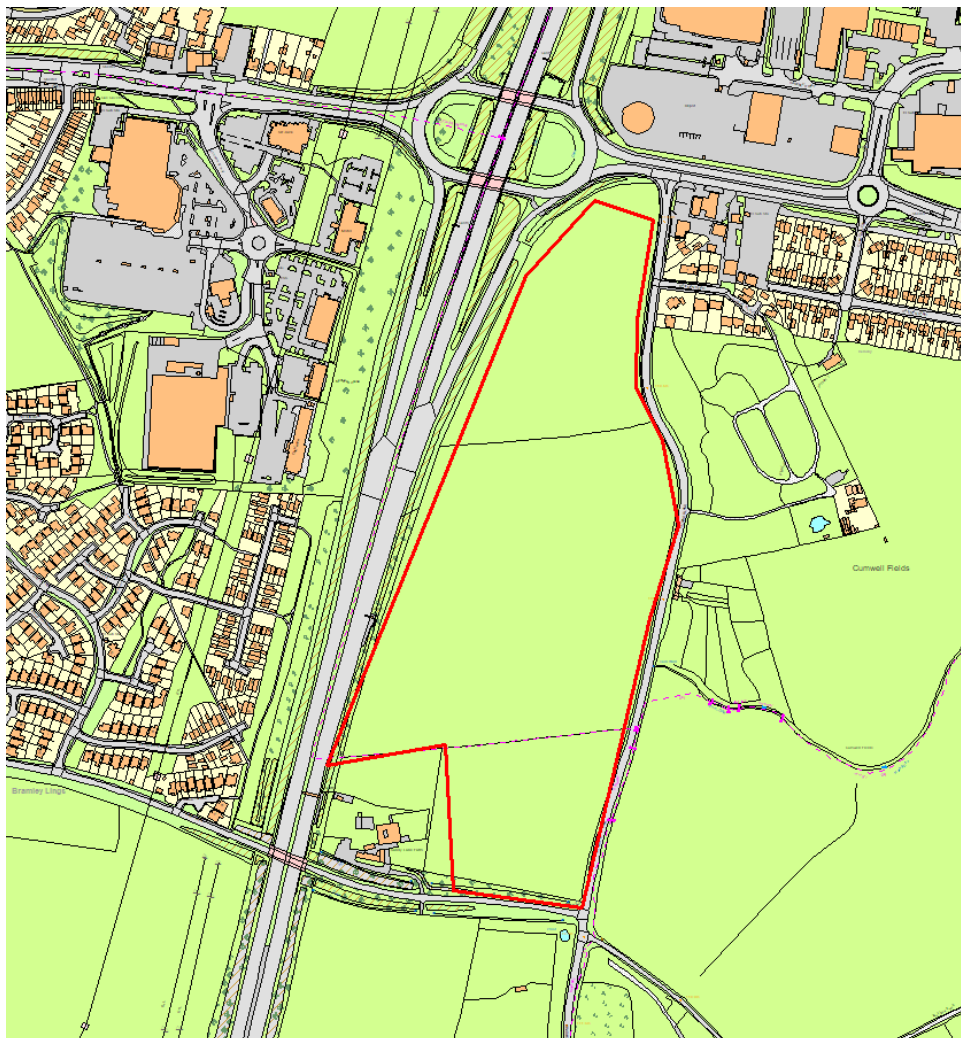


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 25TH NOVEMBER 2021**

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.

Application Number	RB2021/1506 https://rotherham.planportal.co.uk/?id=RB2021/1506
Proposal and Location	Application to vary conditions 03 (approved plans), 09 (northern and southern access use) & 12 (travel plan) and the removal of 11 (parking standards) & 14 (south access barrier). imposed by RB2018/1225 Land off Cumwell Lane Hellaby
Recommendation	Grant conditionally

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



Site Description & Location

The site has an area of approximately 15.68ha and is situated between the M18 (junction 1), Cumwell Lane and Sandy Lane to the south of the settlement of Hellaby. The site comprises three agricultural fields under arable use with hedgerows, trees, fencing and stone walls defining the field boundaries. The surrounding land to the east and south comprises arable and pastoral farmland with residential houses and gardens to the north east. Industrial and retail estates lie further north across the A631, with the M1 motorway and Junction 18 slip road bordering the western site boundary.

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

Background

RB20218/1225 – Outline planning application for the provision of 67,036sqm of employment floorspace (B1b&c/B2 and B8) including 5088sqm of ancillary office floorspace (B1a) HGV fuelling station and lorry washing facilities, including details of access at land off Cumwell Lane – granted conditionally 26-11-2020

RB2018/1587 - Display of 2 No. non illuminated free standing signs – Granted Conditionally – 26-03-2019

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

Environmental Impact Assessment

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

Proposal

The application seeks amendments to approved application RB2018/1225 under S73 of the Town and Country Planning Act. The applicant notes that *“the application does not revisit the principle of development that has been established through the outline planning permission and instead seeks to make minor amendments to it, to facilitate development of the site at the earliest opportunity.”*

The developers wish to bring forward a Reserved Matters application as soon as possible, however with an amended access strategy which would include only two access points off Cumwell Lane, a main shared access for cars and HGV's and a second access for cars only serving the smaller northern unit. The proposed Reserved Matters application would also include a greater quantum of car parking than shown on the approved Illustrative Masterplan. The developer states that *"there is no change to the maximum quantum of development which remains within that approved by the outline application, or to the access to the strategic highway network, which remains as approved, and no change to the description of development."*

The application seeks to vary conditions 03 (approved plans), 09 (northern and southern access use), 12 (travel plan) and the removal of 11 (parking standards) & 14 (south access barrier).

Details of the approved conditions and the conditions as sought are detailed below –

Condition 03

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

Location Plan Dwg No. 18140 (Su) 001 A

Site Plan Dwg No. 18140 (P) 201 A

Illustrative Masterplan Dwg No. 18140 (P) 002 A

2274 - FO1 Rev G

2274 – FO2 Rev G

Reason

To define the permission and for the avoidance of doubt

Amended condition 03 sought –

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

- *Location Plan Dwg No. 18140 (Su) 001 A*
- *Site Plan Dwg No. 21137 P0010 Rev A*
- *2274 – FO2 Rev G*

Reason to remain the same –

Reason To define the permission and for the avoidance of doubt

Condition 03 requires the development to be carried out in accordance with the submitted details and specifications shown on the approved plans. As this application seeks to revise the access strategy, and specifically remove the southernmost access, an amendment is sought to the condition to reflect the amended plans.

Condition 09

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

Reason

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

Amended condition 09 sought –

The proposed northern access shall not be used by HGVs.

Amended Reason

The access is not designed for such vehicles and in the interests of road safety and general amenity.

As this application seeks to remove the southern access, an amendment is sought to the condition to reflect the removal of the southern access.

Condition 12

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

Reason

In order to promote sustainable transport choices.

Amended Condition 12 sought -

The measures contained in the Framework Travel Plan dated April 2020 and the Framework Travel Plan Update dated July 2021 shall be fully implemented during the lifetime of the development. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent modifications to the Travel Plan following submission of progress performance reports as timetabled in the monitoring strategy.

Reason to remain the same -

In order to promote sustainable transport choices.

As this application seeks to revise the access strategy, a Framework Travel Plan Update has been provided in light of the revised access strategy, which should be referred to in the condition alongside the previously approved Framework Travel Plan.

Condition 11

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

Reason

In the interests of road safety.

The condition is proposed to be removed as the appropriate level of car parking can be assessed and controlled through the consideration of the detailed layout at reserved matters stage, such that condition 11 is unnecessary.

Condition 14

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

Reason

In the interest of highway safety

The condition is proposed to be removed as the southern access is no longer proposed, and there is therefore no need for a barrier.

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

Local Plan policy(s):

CS14 Accessible Places and Managing Demand for Travel

CS27 Community Health and Safety

SP26 Sustainable Transport for Development

SP52 Pollution Control

SP56 Car Parking Layout

Other Material Considerations

National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It sits within the planned 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 following Supplementary Planning Documents were adopted in 2020 and 2021 respectively and are relevant to the proposal –

SPD2 Air Quality and Emissions
 SPD12 Transport Assessments, Travel Plans and Parking Standards

Publicity

The application was advertised in the press, site notices were posted and letters were sent to adjacent properties and all those who made representations to the initial planning application.

Objections have been received from 30 individual addresses, from Maltby Town Council, Ravenfield Parish Council, Cllr Simon Ball, Cllr Janet Law and Alexander Stafford MP.

The objections are summarised below –

- Highway safety implications
- Increased HGV traffic in area
- Increased congestion
- Conditions on original permission should not be varied by delegated authority
- The original outline showed 98 HGV parking spaces and this application proposed 188 HGV parking spaces, which would have a greater impact on traffic, noise, light, air pollution and general disturbance to nearby residents
- Car parking spaces have been moved from by the M18 to by Cumwell Lane and this will cause increase disturbance to nearby residents, especially at night time
- Air Quality will be adversely impacted and it is not currently monitored sufficiently due to cost implications, however it is monitored along with speed restrictions due to air pollution further up the M1 in Tinsley.
- There is no Air Quality monitoring on Cumwell Lane, so how will RMBC be confident that mitigation will be effective.
- The submitted information is strongly disagreed with
- The proposed HGV entrance is places in a stupid position at the start of a dangerous S bend in the road
- Proposal would make access egress into existing properties even more difficult than presently
- Cars parked on the road will decrease the width of the already narrow road.
- Standing traffic caused by the reduction in the number of accesses will impact air quality
- Traffic Survey done during Covid so unfair
- The Council risks claims for negligence if it approved this application without following the latest Government intentions to change how planning is dealt with to ensure no impacts on air quality in their Environmental Health Bill.
- Since the last outline was approved planning permission has been granted at the landfill site in Thurstcroft to increase capacity which increases HGV movements from 222 to 444 per day – RB2020/1503.

- The changes applied for are not the minor material amendments but are major material amendments to the original scheme and should not be considered without reference to the outstanding reserved matters.
 - The layout details should be considered as they are a critical consideration when assessing how changes will impact residents.
 - Discussions and correspondence about amendments to the accesses should be in the public domain and should have been available during the consultation period.
 - No details of the final agreed road changes and timescales for implementation have been made available.
 - No details of a planning meeting on 8th July when it was agreed that the applicant would proceed with a S78 application have been made available and the intention to deal with this as a delegated decision appears to have been taken.
 - Traffic has increased since 2018 when the original application was submitted, updated information should have been submitted.
 - Traffic information does not include other nearby developments which have been granted permission since the original outline.
 - Air quality and noise issues should be re-visited
 - The original Air Quality Assessment was based on 98 HGV parking spaces and not 178 as now submitted, this should be re-assessed.
 - No other access routes have been proposed to re-route traffic away from residential properties.
 - This application and all current applications should be judged in relation to the Noise Action Plan: Roads Environmental Noise (England) Regulations 2006 adopted in July 2019 in respect of Planning Controls.
 - There has been a study in Denmark which found that exposure to transport noise can be associated with a higher risk of dementia, and that the World Health Organisation recommends reducing noise through transportation and land use programmes and should become a public health priority.
-
- Loss of Green Belt land
 - Loss of agricultural land
 - Impact on wildlife
 - M18 junction already busy
 - Units close by that are unoccupied
 - Development not needed
 - Adverse impact on natural environment/wildlife
 - The proposal has been assessed in isolation not taking into account cumulative affects
 - Have conditions been complied with regarding road works, and when will they start and how long will they last
 - Issue regarding damage to footpath along Cumwell Lane
 - Flooding issues
 - Noise pollution, details of which have not been published
 - Light pollution

- Still no confirmation how many jobs this application will create, and where they will come from
- Mental Health of nearby residents, many of whom are elderly
- Increase likelihood of burglary
- The applicant is now proposing a 24 hour working pattern.
- The northern and middle access points should be removed and access gained at the southern end of the site.
- Decrease house prices
- It will impact the free emergency services which all have depots along this corridor

Ravenfield Parish Council –

- Concerns surrounding the road infrastructure and overwhelming increase in traffic in an already congested area.
- Environmental impact on pollution
- Effects on wildlife
- More consideration should be given to the local residents and communities.

Maltby Town Council –

- Traffic Assessment was undertaken during Covid-19 lockdown, and request that a further assessment is carried out to record a true reflection of the volume of traffic travelling along Cumwell Lane
- Concerns about air quality, and the negative impact that increased pollution will have on the local communities health.

Cllr Janet Law –

- Concerned about increase levels of traffic, lorries
- Impact on Air Quality, which is worst in the area – impact on health
- Land should have been taken out of the Green belt
- Already lots of lorries from industrial parks and coal extraction plant
- Road already dangerous for pedestrians, cyclist and horse riders
- Traffic surveys carried out in lockdown and on Sunday mornings

Cllr Simon Ball –

- Due to closing of southern access the resultant traffic will be closer to the dwellings on Cumwell Lane, thus impacting their lives.
- It will lead to increase congestion, noise and air pollution for residents.

Alexander Stafford MP –

- Changed to accesses and increased parking will lead to significant increased impacts on the road safety network.
- The cumulative impact of this application, along with the recently approved application to increase waste input at Thurcroft landfill site will lead to significant increased frequency of HGV traffic.
- The application indicates that HGV parking will be increased which indicates an intention to have significantly increased HGV traffic to the location.

- The removal of the southern access will combine HGV access which will add to the existing projected traffic issues.
- Noise and air pollution in Hellaby is already bad, any further increase will have an adverse impact on local residents, in particular households on Cumwell Lane.
- The application should be rejected.

A letter was sent to everyone who made representations to the application advising them that additional information had been submitted by the applicant.

As a result of this a very detailed objection has been received which when summarised states that much of the supporting information submitted and assessed as part of the original outline application was incorrect, and that the information submitted in support of this application does not recognise the impact of the change to traffic flows and distribution on Cumwell Lane. Also, issues are raised with the modelling/methodology used in the original Air Quality and Noise data, and the EIA Screening Opinion which has been carried out.

Consultations

RMBC - Transportation Infrastructure Service – No objections

RMBC - Environmental Health- Noise – No objections

RMBC – Environmental Health – Air Quality – No objections

Highways England – No objections

Appraisal

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

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

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

Outline planning permission was granted for the provision of 67,036sqm of employment floorspace (B1b&c/B2 and B8) including 5088sqm of ancillary office floorspace (B1a) HGV fuelling station and lorry washing facilities, including details of access at land off Cumwell Lane on 26th November 2020 and as such the principle of the development has been established.

The Planning Practice Guidance: Flexible Options for Planning Permissions recognises that new issues may arise after planning permission has been granted which require modification of the approved proposals, and that where less substantial changes are proposed a proposal that has planning permission can be amended by submission of an application made under section 73 of the Town and Country Planning Act 1990 in order to vary or remove conditions associated with a planning permission. Whilst there is no statutory definition of a 'minor material amendment', this is likely to include amendments which results in a scale and/or nature of development which is not substantially different from the one which has been approved.

The changes proposed to the access and parking strategy outlined in the proposal section above are considered to represents a less substantial change to the approved scheme in the context of the outline permission as a whole, and will result in a development which is not substantially different from the one that has been approved. As such it is appropriate to the amendments sought are dealt with via a Section 73 minor material amendment application.

An objection has been received which states that the information submitted in support of the original outline application was incorrect and aims to challenge this decision. The original scheme obtained outline planning permission in November 2020 and a Reserved Matters application could be submitted in line with this at this time, as such it is important to note that the principle of this development cannot be revisited through this S73 application. The Local Planning Authority is content that the original application was considered appropriately, and also notes that the period in which the decision could be challenged has now passed.

The main issues to take into consideration in the determination of this Section 73 application are –

- Highways
- Noise and Air Quality
- Other objections Raised by objectors

Highways

The highway issues relating to the Strategic Road Network and the Local Highway Network were fully assessed and considered by both the Councils Transportation Infrastructure Service and Highways England when determining the original planning application RB2018/1225. At this time it was concluded whilst the proposal would have an impact in transport terms, with conditions and mitigation the proposal would not have an unacceptable impact on the Strategic Road Network or the Local Highway Network and it was considered acceptable.

This original application took into consideration many objections on the grounds of increased congestion; highway, pedestrian and cycle safety; the proposal not being considered cumulatively with other projects in the area.

These matters relating to the scheme as a whole are not issues to be revisited within the assessment of this S73 application.

Turning to the assessment of the current application, the highway issues are addressed below. The application has been supported by a Transport Note which demonstrates that the overall floorspace is still within the remit of the outline application.

The Transport Note goes on to address potential numbers of car and HGV parking spaces however these are not for consideration at this time and will be assessed within any subsequent Reserved Matters application in accordance with the Councils adopted SPD 12 Transport Assessments, Travel Plans and Parking Standards which was adopted in June 2021.

The Transport Note states that when determining the original outline application, the primary access to the site was assessed in capacity terms assuming that all development used one central access. This demonstrated more than sufficient capacity was available which is considered to still be the case. Therefore the impact of the proposal on the local highway network will be similar to the previous proposal, where it was concluded that following mitigation, no severe impacts would occur.

Highway England have been consulted on the application and have raised no objection. The Councils Transportation Infrastructure Unit have been consulted on the application and have confirmed that the Transport Assessment which was submitted in support of the original outline application did not include the southern access when assessing the traffic on Cumwell Lane, and the proposal was assessed on the basis of all the traffic using the one single access point. For this reason there is no objection from a Transportation aspect to the removal of the southern access from the overall scheme. In this regard the Transportation Unit have no objections to the amended wording proposed for Conditions 03 (reference to amended plans in approved plan list), 09 (remove reference to southern access) and 12 (updated Framework Travel Plan to be incorporated to condition), or the removal of condition 14 which refers to the provision of a barrier at the southern access which will no longer be required.

Objections have been received from the public on the basis that due to the loss of the southern access, intensified use of the remaining accesses would occur increasing congestion and queuing to the detriment of highway safety. As noted above, the original TA did not include the southern access, and all traffic serving the development was assessed using one access point. Therefore the removal of the southern access as proposed in this application would not have an impact on the outcome of the TA, nor would it lead to increased congestion and queuing at the remaining accesses as suggested by the objectors.

With reference to Condition 11 (parking standards) the Transportation Unit have requested that this be retained on the permission. However, the Councils parking standards were adopted in June 2021 in the SPD 12

Transport Assessments, Travel Plans and Parking Standards. This will be a material consideration when assessing parking layout as part of a Reserved Matters application. Therefore, a condition requiring the compliance with the standards is not considered necessary as they will be applied separately as adopted planning guidance. It is however recommended that an informative is attached to the permission in this regards so that any future developer is aware that a future application should comply with the guidance.

Objections have been received to the application on the grounds that documents submitted in support of the application state that increased levels of car parking and HGV parking are to be provided than indicated on the approved scheme. This would lead to increased HGV movements and make access unacceptable and lead to increased congestion and highway safety implications around the site. It must be noted that the levels of parking were not a detail that was taken into consideration in the previous outline application, or is it a matter for consideration when assessing this application, it will be assessed at the Reserved Matters application stage when details of layout are submitted. However, the Transportation Unit has confirmed that the original TA was assessed on the basis of the proposed quantum of floor space and the proposed use classes. Therefore, indicative levels of parking would not have formed part of that assessment, and the reference to any increased parking provision within this application does not have any impact on the previous findings of the TA which are considered to be robust in terms of this application.

Objections have been received on the basis of indicative drawings which show parking and buildings in different locations to the approved scheme. Again, these plans are indicative only and the details of layout will be considered at the Reserved Matters application stage. Further objections have been received stating that traffic surveys were undertaken during Covid so unfair and should be re-done. It is noted within the submitted Transport Note that surveys in 2 out of the 10 selections used in the TRIP rate calculator were undertaken in October 2020, and whilst not in a lockdown time they were within the Covid pandemic period. In this regard when surveys are carried out within such a restricted period, it is agreed to accept them with an adjustment factor to take account of the recorded traffic levels from our automated counters and pre covid comparisons. The data is therefore considered to be robust for the purposes of the assessment of this application.

Objections have been received regarding the recent grant of permission RB2020/1503 for an increase in the maximum input at Thurcroft Colliery on 9th April 2021. This is a temporary permission until 2027. Objectors state that this application should be assessed in light of this recently granted permission, and that the impact of the numbers of HGV vehicles utilising Cumwell Lane should be considered on a cumulative basis. However, in this regards it must be noted that outline permission already exists for the development of this site and that this application is for the minor amendments to the access only. Likewise requests for alternative accesses to the site or

the re-assessment of the whole scheme against the Noise Action Plan: Roads Environmental Noise regulations are not relevant to this S73 application.

Objections have been received that no details of final road changes and timetable for implementation have been provided, however these are conditions attached to the outline permission and full details will have to be provided prior to commencement of development, but are not required for assessment within this application.

Taking the above into consideration it is considered that the proposed removal of the southern access and associated amendments to conditions to remove reference to this entrance, as well as the removal of the condition requiring compliance with the adopted parking standards is considered acceptable in highway safety terms.

Noise and General Amenity

The original outline planning permission was supported by Noise Statement dated August 2018 and a Noise Assessment dated July 2020.

As part of the assessment of this application the applicants have submitted some additional information in response to queries raised by officers regarding modelling in the original Noise Assessment which was assessed based on 6% of the site traffic using the southern access. This 6% related to cars as the noise assessment submitted in support of the original outline permission was based on the Transportation Assessment, and that all HGV movements to and from the site were assessed via the central access, no HGV movements were modelled using the southern access.

As this Section 73 application proposes to remove the southern access, the development traffic flow using the central and northern accesses would be 100%. The additional Noise Information notes that

“Using the Basic Noise Level (BNL) calculation method defined within ‘Calculation of Road Traffic Noise’ (CRTN), a 25% increase in traffic level would equate to a 1 dB increase in noise. Therefore, a worst-case 1% increase in total traffic flows near to the residential receptors on Cumwell Lane, assuming that all vehicles were to access the site from the north, is expected to have a negligible (~0.1 dB) effect on the potential changes in road traffic noise at nearby residential receptor locations.

Therefore, there are not expected to be any significant differences in road traffic noise associated with the proposed site layout and the findings of the noise assessment submitted in support of the outline application are considered to remain representative”

The Councils Environmental Health Officer has been consulted on the application and notes that the additional Noise Information submitted in support of this Section 73 application was based on a calculation method defined within ‘Calculation of Road Traffic Noise’ methodology, as

appropriate. After assessing the submitted information she concluded that based on the confirmation that the changes in vehicle flow will be minimal, it is accepted that changes to noise levels will be negligible.

Therefore, in terms of the amendments sought in this S73 application, ie, it remove the southern access the findings of the original noise assessment would remain robust.

Objections have been received on the basis that the removal of the southern access would compound all HGV movements to the central access which is closer to residential properties, and that by doing so increased levels of noise and light disturbance will be created for residents. As noted above the original outline application was assessed on the basis that all HGV traffic used the central access, and as such the removal of the southern access will not create any additional impact on noise and general amenity for the residents close to the site.

Air Quality

In terms of Air Quality the original outline application was supported by an Air Quality Assessment dated 2018, and an updated detailed Air Quality Assessment undertaken in July 2020. In relation to this S73 application an Air Quality Technical note has been submitted in support of the proposed amendments.

The Council's Air Quality Officer has been consulted on the application and has confirmed that the previous air quality assessment used the northern accesses only in the modelling, and no traffic was modelled using the southern access point, therefore the methodology remains suitable for the assessment of the current application with the reduction in number of access points to the site. Furthermore, it can be confirmed that the air quality assessment submitted in support of the original application was undertaken based on the TA, which was based on the proposed floor area and proposed use classes, not on indicative HGV parking levels provided within supporting documents. In this regard the original air quality assessment, and updated note are considered robust in terms of assessing this S73 application.

As the original air quality assessment for the outline application was carried out using the northern access points only, and the southern access was not included in the air quality modelling, no resulting emissions were included from the southern access.

As such it is concluded that there are no additional impacts in terms of air quality proposed by the amendments within this section 73 application, with the removal of the southern access.

Numerous objections have been received in relation to the potential increase in air pollution which would be created by the development both adjacent to the site and in the wider Hellaby area. Objections have been raised on the basis that air quality is not monitored sufficiently in the locality. The Council's

Air Quality Officer has confirmed that the Council measures nitrogen dioxide annual mean in Bramley, Hellaby and Maltby as below -

Site	Nitrogen dioxide annual mean 2019 ug/m ³	Nitrogen dioxide annual mean 2020 ug/m ³
A631 roadside Hellaby	35.2	25.8
Bentley Road, Bramley	24.1	18.3
Westerton Drive, Bramley	21.5	17.6
Muglet Lane, Maltby	26.3	18.7

All the above are below the National Air Quality Standard for nitrogen dioxide annual mean of 40 ug/m³. The Officer has confirmed that monitoring of monthly mean nitrogen dioxide levels have commenced on Cumwell Lane this month. Objectors also questioned why other areas such as Tinsley had greater monitoring as well as speed restrictions being imposed on the M1. The Air Quality Officer has stated that levels of nitrogen dioxide annual mean very close to the M1 (within 10m) in Tinsley were shown to be exceeding the EU's Limit Value and this is why the 60mph speed restriction is currently in place. The M1 has 4 lanes and greater traffic volumes compared with the M18.

In conclusion, it is not considered that the removal of the southern access point to the site would lead to any increased air quality issues for adjacent residents or the local area as a whole, and that the assessments and recommendations in the original Air Quality Assessment submitted with the original outline application are relevant and robust, in assessing the minor amendments proposed in this S73 application.

Other Objections Raised by objector

Objections have been received regarding the use of a Section 73 application for the amendments sought, as objectors consider that they are major amendments which should be considered alongside a Reserved Matters application. The report above addresses the nature of Section 73 application and their intended use, and confirms that the amendments sought are considered to be of an appropriate scale in relation to the application to determine via a Section 73 application. A Reserved Matters application including all the full details of the scheme is submitted pursuant to an outline permission and could not be considered at the same time. Reference by objectors that details of previous discussions are not available in the public domain, refer to a conversation regarding the submission and procedure of this Section 73 application, and as such there is no correspondence to make available. There are also comments that delegated decisions have been made, however this application is to be determined by Members of the Planning Board and is not a delegated decision.

Objectors refer to potential upcoming new Environmental legislation which should be used to assess this current application, and also refer to research in Denmark which looks at links between traffic noise and dementia. Whilst these objections are noted, this application has to be considered in line with current relevant national and local legislation and policies.

Numerous other objections have been received in relation to the principle of the development, or that relate to the scheme as a whole and are not relevant to this S73 application which is just for a minor amendment to the original planning permission which is still valid. These are listed above in the report and it should also be noted that the issues were fully assessed in the determination process of the original outline planning application. The minor amendments sought in this application do not alter these issues, which have previously been considered acceptable in relation to this site with the imposition of conditions. None of the issues raise any material planning consideration in relation to the matters to be assessed in this application.

Conclusion

Outline planning permission for the provision of 67,036sqm of employment floorspace (B1b&c/B2 and B8) including 5088sqm of ancillary office floorspace (B1a) HGV fuelling station and lorry washing facilities, including details of access at land off Cumwell Lane has been granted in November 2020 and as such the principle of the development has been established.

This application to vary the original permission is considered to be acceptable in terms of highway safety and general amenity, and would not result any significant additional impacts which would adversely affect the residential amenity of nearby residents or the wider community. It is therefore recommended that planning permission be granted subject to the following conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start.

Conditions numbered 5, 6, 14, 31, 32 & 33 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 5, 6, 14, 31, 32 & 33 are fundamental to the acceptability of the development and the nature of the further

information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

GENERAL

01

a. Application for approval of reserved matters must be made within three years of the date of the original permission (RB2018/1225) being 26 November 2023. .
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 the original permission being 26 November 2025; OR
- II. The expiration of two years from the final approval of the reserved matters or,
in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

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

Reason

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

03

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

below)

- Location Plan Dwg No. 18140 (Su) 001 A
- Site Plan Dwg No. 21137 P0010 Rev A
- 2274 – FO2 Rev G

Reason

To define the permission and for the avoidance of doubt

04

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

Reason

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

TRANSPORT

05

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

Reason

In the interest of highway safety

06

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

Reason

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

07

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

Reason

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

08

The proposed northern access shall not be used by HGVs.

Reason

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

09

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

Reason

In the interest of highway safety

10

The measures contained in the Framework Travel Plan dated April 2020 and
the Framework Travel Plan Update dated July 2021 shall be fully implemented
during the lifetime of the development. The Local Planning Authority shall be
informed of and give prior approval in writing to any subsequent modifications
to the Travel Plan following submission of progress performance reports as
timetabled in the monitoring strategy.

Reason

In order to promote sustainable transport choices.

11

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

Reason

In order to promote sustainable transport choices.

AMENITY

12

No building on the section of the site marked A on the approved Site Plan Dwg No. 21137 P0010 Rev A shall exceed 15 metres in height above existing ground level.

Reason

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

13

No building on the section of the site marked B on the approved Site Plan Dwg No. 21137 P0010 Rev A shall exceed 24 metres in height above existing ground level.

Reason

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

14

Prior to the commencement of any development a Construction Management Plan

shall be submitted to and approved in writing by the Local Planning Authority. The

Construction Management Plan shall include:

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

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

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

15

During the hours of 07:00 to 23:00, the BS4142:2014 rating level, measured over 1

hour shall not exceed the background sound level by more than 3dB above the

background (LA90) at the nearest sound sensitive properties as measured in the

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

nearest sound sensitive properties as measured in the SLR Noise Assessment (July 2020).

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

Reason

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

16

All subsequent applications for the approval of reserved matters shall include a

detailed plan for the management of the delivery and service vehicles and a subsequent BS4142:2014 Noise Assessment which shall be submitted to the Local

Planning Authority to demonstrate how the levels set out in Condition 18 can be

achieved. The approved details shall be implemented on site.

Reason

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

17

No noise generating plant including mechanical ventilation or refrigeration/air

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

Reason

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

18

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

Reason

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

19

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'

Reason

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

20

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

Reason

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

21

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

Reason

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

DRAINAGE

22

A foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological

context of the development, shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall include the construction details and shall

subsequently be implemented in accordance with the approved details before the

development is first brought into use. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

To ensure that the development can be properly drained in accordance with the

Local plan and the NPPF.

23

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

a/ a permeable surface and sub-base, or;

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that the development can be properly drained in accordance with the

Local plan and the NPPF

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 in accordance with the Local plan and the

NPPF.

25

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

Reason

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

26

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

Reason

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

LANDSCAPE/TREES

27

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be

erected, including the replacement for the stone boundary wall on the Cumwell

Lane frontage that will be removed to provide the cycle/footway in this location.-

- a scheme for the re-use of the stone from the boundary wall if it is not to be reused in the replacement of the boundary wall.

-A planting plan and schedule detailing the proposed species, siting, quality and

size specification, and planting distances.

-A written specification for ground preparation and soft landscape works.

-The programme for implementation.

-Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of

5 years after completion of the planting scheme.

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

planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.

- Locations of all proposed species.

- Comprehensive details of ground/tree pit preparation to include:

- o Plans detailing adequate soil volume provision to allow the tree to grow to maturity

- o Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future

- o Staking/tying method(s).

- o Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in

the nearest planting season (1st October to 28th February inclusive). The quality of

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

Reason

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

interests of amenity and in accordance with relevant Local Plan policies.

28

Any plants or trees which within a period of 5 years from completion of planting die,

are removed or damaged, or that fail to thrive shall be replaced. Assessment of

requirements for replacement planting shall be carried out on an annual basis in

September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

29

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

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

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

Reason

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

30

No trees, shrubs or hedges within the site which are shown to be retained on the approved plans (Plan/Drawing: TreeSurvey.pdf,18140_PI_002A Illustrative Masterplan.pdf) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority. Any shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the

development hereby permitted shall be replaced with shrubs or hedge plants or similar species capable of achieving a comparable size unless the Local Planning Authority gives written consent to any variation.

Reason

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

ECOLOGY

31

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

Reason

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

32

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

Reason

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

33

Prior to the commencement of development, including any site clearance activities/earthworks, an updated badger survey shall be conducted to assess the

current status of badgers. All earth works and excavations which could potentially

trap a badger shall be covered at the end of daily operations where practicable, with

inclusion of a ramp to allow access to avoid trapping a badger. Work is to be undertaken during the daytime when badgers are least active to minimise disturbance to their foraging activities. Should an occupied sett be discovered during

this updated survey and it is likely to be affected by the development, a mitigation

strategy and licence shall be submitted and approved by Natural England, and

development shall only take place in accordance with this approved strategy.

Reason

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

ENVIRONMENTAL

34

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.

35

If subsoils / topsoils are required to be imported to site for gardens/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of which will need to be presented in the format of a validation report which will be submitted to the Local Planning Authority for review and comment.

Reason

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

36

All buildings exceeding 1,000sqm in footprint (measured externally) on the site shall be designed and constructed to achieve BREEAM Very Good rating as a minimum unless it can be demonstrated that it would not be technically feasible or financially viable.

Reason

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

37

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

Reason

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

ARCHAEOLOGY

38

The development shall only take place in accordance with the Written Statement of Investigation (WSI) approved in discharge of condition application RB2021/0267 and the development shall not be brought into use until the Local Planning Authority has confirmed that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason

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

TELECOMMUNICATIONS

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

Reason for Condition:

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

INFORMATIVES

Environmental

01

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

02

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

03

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

04

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

05

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

06

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

07

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

08

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

09

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

Environment Agency

10

Pollution prevention:

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

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited

on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%.

All filling points, vents, gauges and sight glasses must be located within the bund.

The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located

above ground and protected from accidental damage. All filling points and tank

overflow pipe outlets should be detailed to discharge downwards into the bund.

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

opportunity to comment further.

Appropriate procedures, training and equipment should be provided for the site to

adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

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

11

Effluent:

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

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

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

as waste and you must then comply with your duty of care responsibilities. More information regarding the discharge of trade effluent can be found at <http://www.netregs.org.uk/environmental-topics/water/trade-effluent-managing-liquidwastes/> and "The Environment Agency's approach to groundwater protection" on discharge of liquid effluents to the ground

12

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

Abatement Notice under the Environmental Protection Act 1990. Failure to comply

with the requirements of an Abatement Notice may result in a fine of up to £20,000

upon conviction in the Magistrates' Court. It is therefore recommended that you give

serious consideration to reducing general disturbance by restricting the hours that

operations and deliveries take place, minimising dust and preventing mud, dust and

other materials being deposited on the highway.

13

The stone salvaged from the demolition of the stone boundary wall on the Cumwell

Lane frontage that will be removed to provide the cycle/footway in this location should be used to provide entrance features at the 3 entrance points, details of

which should be included with the proposed landscaping scheme for the site.

Security fencing on the road frontages would not generally be acceptable and if

required should be sited behind the landscaping in these locations.

14

Broadband provision

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

15

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

Standards within Supplementary Planning Document No12 Transport Assessments, Travel Plans and Parking Standards

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.