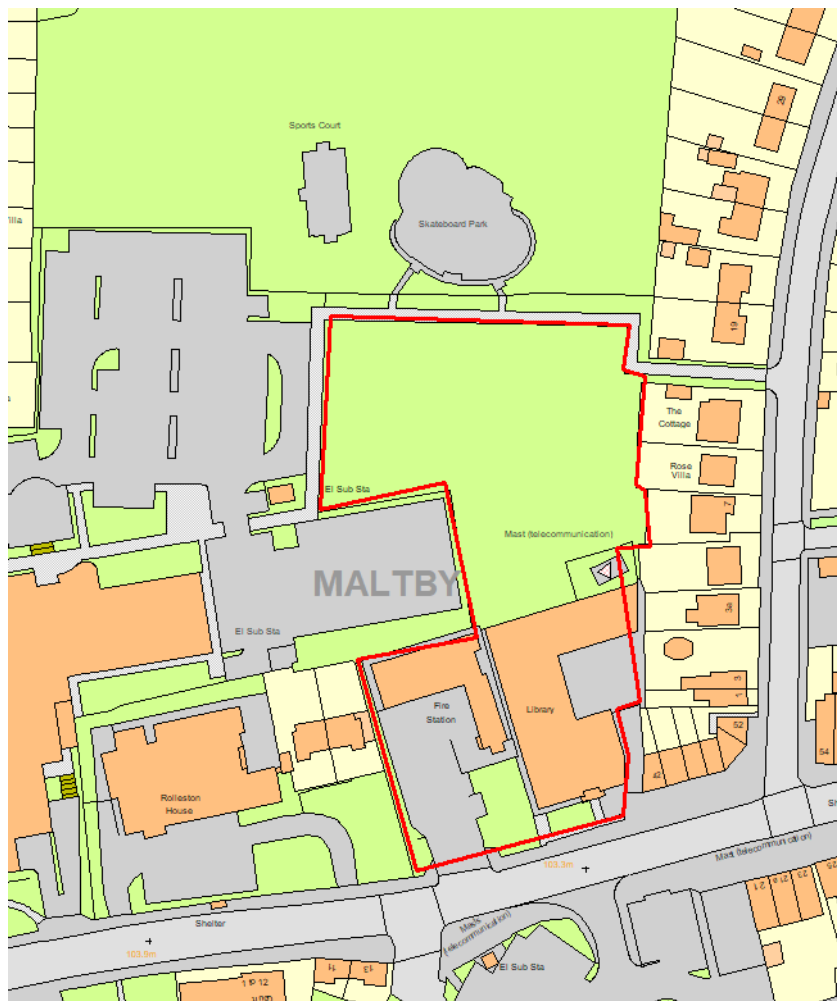


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE THURSDAY 9TH JUNE, 2022**

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	RB2021/0288
Proposal and Location	Demolition of existing buildings and erection of a foodstore (Use Class E) with associated access, parking, servicing areas & landscaping at former Maltby Fire Station and Library High Street Maltby S66 8LF
Recommendation	Grant Conditionally

The application is being presented to Planning Board at the request of the Chair of Planning Board, in conjunction with the Strategic Director of Regeneration and Environment because of the significance, impact or sensitivity of the proposal. In this regard the proposal is considered to be significant in terms of the benefits to Maltby and its sensitivity with regard to an objection to the application from Tesco.



Site Description & Location

The application site is currently vacant, however it used to contain the former library, fire station and leisure buildings. The site is bounded by:

- High Street to the south, with an existing Tesco store opposite;
- A parade of small retail units and residential properties on Manor Road to the east;
- The Full Life Church and properties, commercial uses and Manor Field Surgery to the west, beyond which is Maltby Leisure Centre; and
- Maltby skate park and playing fields to the north.

The site has been cleared, is 0.76 hectares in area and slopes upwards from High Street to the north of the site.

Background

RB2020/1664 - Application to determine whether prior approval is required of the method of demolition and restoration of the site re demolition of former Maltby fire station buildings – granted 05-11-20

RB2018/1787 - External works & alterations to include removal of existing fire door and new full height glazing to be installed in place of, new glazed entrance to both proposed restaurant & takeaway and new ramped entrance for deliveries – granted conditionally 21-12-2018

RB2018/0527 - Change of use to fish & chips restaurant/takeaway (Use Class A3/A5) – granted conditionally 22-06-2018

RB2018/0217 - Application to determine whether prior approval is required of the method of demolition and restoration of the site re: former community library – granted 14-03-2018

There are numerous other applications prior to this date relating to the former fire station and library.

Environmental Impact Assessment

The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 “Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas”, however it does not meet the criteria set out in column 2 of the table, i.e. that (i) the development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares.

Because the site is just 0.76ha in area, the proposed development does not constitute EIA Development.

Proposal

The application seeks full planning permission for the demolition of existing buildings and erection of a foodstore (Use Class E) with associated access, parking, servicing area and landscaping to be used by Lidl. The proposed unit is to be 1900sqm with a sales area of 1256sqm, with 87 car parking spaces. The building will be serviced from the western side of the store. Vehicular and pedestrian access will be via High Street.

The proposal involves reducing the ground levels within the site to create a level platform, and this also reduces the finished floor level of the proposed building.

The building is proposed to have a contemporary design which is in keeping with Lidl's brand identity and also responds to the local context. The materials palette includes white and grey insulated metal walling panels, a low level rendered plinth and grey insulated metal roofing panels. A glazed shop front is proposed on the southern elevation.

Boundary treatment includes masonry faced retaining structures, railings, small areas of paladin fencing and the retention of existing fencing along the boundary with the adjacent residential properties. A masonry faced wall with railings will be provided along the site frontage.

The proposal would employ approximately 15 full time staff and 25 part time staff from the local community. Opening hours of the store are proposed to be 0800 to 2200 Monday – Saturday and 1000 to 1600 Sundays.

The application is supported by the following documents –

Planning Statement

This includes details of the proposal and relevant policies. It also includes the Retail Sequential and Impact Assessment, this document was updated in January 2022 to address comments made in relation to the retail impact assessment, and also to address objections which were raised to the scheme. In terms of the Sequential Test it concludes that there are no sequentially preferable alternative sites which could accommodate the proposed development and the subject application is therefore considered to be compliant with the sequential approach to site selection set out in the NPPF. In relation to the Impact Test it concludes that the proposal would not have any significant adverse impact upon other existing, committed or planned investment in this or any other centres.

Design and Access Statement

This document considers the design and layout of the proposed development and how this has evolved from concept through to this final submission. The document also considers wider accessibility and sustainability matters.

Transport Assessment

This document demonstrates that the development accords with relevant national and local transport planning policy and that the traffic generated will have no significant residual impact on the operation of the local highway network.

Noise Assessment

This concludes that there will be no adverse impacts resulting from noise associated with the proposed servicing arrangements (deliveries) or fixed external plant and that no acoustic fencing will be required alongside the delivery bay or any other parts of the site. A Noise Impact Assessment provides a Delivery Management Plan and recommends that this is implemented for any deliveries between 2300 and 0700 hours. The most important elements of the Delivery Management Plan are that reverse alarms are not used during the night time and that engine revs are kept to a minimum. The measures set out within the Delivery Management Plan can be controlled through the use of an appropriately worded planning condition.

Air Quality Assessment

This looks at the construction and operational phase of the proposed development and includes a mitigation assessment in line with SPD 2 Air Quality and Emissions. The document concludes that the impact of the development during the operational phase is predicted to be negligible at all twenty existing sensitive receptors that have been considered. Air quality effects are, therefore, considered to be 'not significant'. The assessment demonstrates that the proposed development will not lead to an unacceptable risk from air pollution or to any breach of national air quality objectives. Therefore, the proposed development is compliant with national policy and there are no material reasons in relation to air quality why the proposed scheme should not proceed, subject to appropriate planning conditions.

Flood Risk Assessment

The report outlines that the site is in Flood Zone 1 and as such the application need not be accompanied by a FRA however the July 2021 revision to the NPPF states that the flood sequential test is intended to be applied to all sources of flood risk, and not just river and sea flooding. An assessment of flood risk from all identified potential sources of flooding has therefore been undertaken to determine whether a flood sequential test is required. This concludes that the proposals satisfy the requirements of the flood risk sequential test and that no sequential assessment of potential alternative sites is required. Based on the assessment of flood risk, it is concluded that no specific measures need be implemented to mitigate flood risk, although finished floor levels of the foodstore should be at least 0.15 m above adjacent ground levels with ground levels sloping down from the store unit, in accordance with best practice.

Lighting Assessment

A lighting assessment which provides details of the proposed lighting at the site has been submitted and assessed, with relevant conditions proposed.

Tree Survey and Protection Plan

This revealed 32 items of woody vegetation, comprised of 28 individual trees and 4 groups of trees or shrubs or hedges. Of the surveyed trees: 3 trees are retention category 'U', 3 trees are retention category 'B', and the remaining 26 trees and groups are retention category 'C'

The significant tree cover within the site consists mainly of various individual trees close to the boundary lines. In general, the trees in the northern half of the site are small and recently planted, and those in the south are larger and more established.

The proposal would require the removal of 16 trees and 2 tree groups will be required as they are situated in the footprint of the structure or their retention and protection throughout the development is not suitable. Although several trees are proposed to be removed the majority of them are of particularly low value, and as such the removals will have only a minor negative arboricultural impact.

Ecological Appraisal

The proposals for the site will require the removal of habitat of negligible ecological importance, with the exception of the scattered broadleaved trees, which shall be retained. The site has the potential to support species such as birds and bats, of which require protection and consideration. Several recommendations have been made throughout Section 4 that would mitigate the potential impacts and, in some cases, improve the ecological value of the site.

Land Contamination Reports

These reports look at the potential for ground contamination and its implications; assess the potential environmental and geotechnical implications as well as assessing any potential risks to human health, controlled waters and underground infrastructure.

Energy and Sustainability Statement

This report provides information relating to key actions required to achieve sustainability targets. The accompanying report demonstrates that the proposed building will achieve a significant 184.56% carbon dioxide reduction and a 180.37% energy reduction, and that it makes provision for the sustainable construction measures to meet the requirements of Policy SP57.

Statement of Community Involvement

This document outlined how the applicants informed the community of the proposal, and what response was received to it, and how they have been addressed in the final submission of the application.

Development Plan Allocation and Policy

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

The application site is allocated for Community Facilities within the adopted Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policies –

CS3 Location of New Development

CS12 Managing Change in Rotherham's retail and service centres

CS14 Accessible Places and Managing Demand for Travel

CS19 Green Infrastructure

CS20 Biodiversity and Geodiversity

CS21 Landscape

CS24 Conserving and Enhancing the Water Environment

CS25 Dealing with Flood Risk

CS26 Minerals

CS27 Community Health and Safety

CS28 Sustainable Design

CS30 Low Carbon and Renewable Energy Generation

SP23 Out-of-Centre Retail Parks and Other Out of Centre Developments

SP26 Sustainable Transport for Development

SP32 Green Infrastructure and Landscape

SP33 Conserving and Enhancing the Natural Environment

SP47 Understanding and Managing Flood Risk drainage

SP52 Pollution Control

SP54 Contaminated and Unstable Land

SP55 Design Principles

SP56 Car Parking Layout

SP57 Sustainable Construction

SP61 Telecommunications

SP62 Safeguarding Community Facilities

Joint Waste Core Strategy

WC27 Managing Waste in all Development

SPD2 Air Quality & Emissions (June 2020)

Other Material Considerations

Council's Car Parking Standards

National Planning Practice Guidance (NPPG)

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.

Publicity

The application was advertised in the press and letters were sent to 23 nearby properties. Representations were received from 5 addresses, 1 in support, and 4 in objection.

One letter of support considers that the store would have a lot to offer Maltby community and will bring jobs along with a competitive range of products.

Objections have been received from occupiers of two residential properties who live in Maltby but not close to the site on the following grounds –

- The new entrance will pose dangers to vehicles and pedestrians including children who use High Street
- Adverse impact on wellbeing of residents from increased traffic and air pollution
- Proposed hours of opening are excessive close to residential properties
- All trees have been removed from the site
- It will close down smaller businesses, there are already many vacant retail premises

Maltby Town Council have objected on the following grounds –

- The Traffic Assessment was conducted during the Covid 19 lockdown so traffic levels would have been lower, another assessment should be carried out.
- Increased levels of traffic will increase levels of air pollution and have a negative impact on the local community’s health.
- Concerns regarding the entrance/exit being opposite Tesco supermarket, as it could increase safety risks for pedestrians, cyclists and vehicle drivers.

An objection has been received from MRPP consultants on behalf of Tesco Stores on the following grounds –

- The erroneous basis upon which the applicant has assessed the likely retail impacts of their proposal, wrongly assuming that the proposal is in a town centre location;
- That claims of a significant ‘claw back’ of retail expenditure are likely to be overstated; and
- The lack of any up-to-date health check of town centre(s) by the applicant

Due to the submission of amended plans and additional information the application was re-publicised by way of press notice, site notice and all neighbours and objectors were notified by letter. As a result, 16 additional representations have been received which all support the planning application. It is noted that four of these representations which have been submitted via the Councils website state 'Comment Type: Object' however the comments below clearly go on to support the application, and as such it is considered that this has been done in error and they have been counted as representations in support of the proposal and not as objections.

The applicants agent has requested the Right to Speak at the Planning Board Meeting.

Consultations

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

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

RMBC - Landscape Design – No objections subject to recommended conditions

RMBC – Drainage – No objections subject to relevant conditions

RMBC – Ecologist – No objections subject to recommended conditions

RMBC - Environmental Health (general) – No objections subject to recommended conditions

RMBC - Environmental Health (air quality) – No objections subject to recommended conditions

RMBC - Environmental Health (land contamination) – No objections subject to recommended conditions

Appraisal

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

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

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

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

The main considerations in the determination of the application are:

- The principle of the development
- Transportation issues and access
- Design layout and scale
- Drainage and flood risk issues
- Landscape and trees
- Ecology
- General amenity issues
- Impact on existing residents
- Telecommunications
- Minerals and Waste

The principle of the development

The application site is allocated for Community Facilities and in that Respect Policy SP62 'Safeguarding Community Facilities' states in part that *"Those areas allocated on the Policies Map for Community Facilities will be retained or developed for such purposes. In addition, land or buildings currently used or last used for community purposes, including sport and recreational facilities but not identified as such on the Policies Map will be similarly safeguarded....."*

In this regard it is noted that planning permission has previously been granted for the change of use of the former Fire Station to a restaurant/takeaway reference RB2018/0257 in June 2018. In considering that application it was acknowledged that there is no further requirement for the retention of the Fire Station given that the facility has been relocated. Furthermore, the library use previously on site has been relocated to the nearby Maltby Library and Neighbourhood Hub. The Council are not aware of any other specific community needs or requirements that have been identified and which could be accommodated on that part of the application site. It also acknowledged that the new leisure centre has been constructed immediately to the north of the site which provides a host of opportunities for community use. It is therefore accepted that adequate alternative provision has been made available for the previous community uses on site, and therefore the requirements of policy SP62 has been satisfied.

Local Plan Policy CS12 *'Managing Change in Rotherham's Retail and Service Centre aims to "to maintain and enhance the vitality and viability of the borough's retail and service centres new retail, leisure, service facilities and other main town centre uses will be directed to the most appropriate centre in line with the hierarchy set out below having regard to the type and scale of development proposed.*

Proposals will be expected to demonstrate how they contribute towards the strategy for each centre as set out below:.....

Maltby Town Centre - Improve pedestrian mobility / accessibility, the quality and range of comparison shopping outlets, and environmental quality.....

To achieve this and meet forecast need we will plan to accommodate 9,000 sqm gross of convenience goods floorspace, and 11,000 sqm gross of comparison goods floorspace (comprising 3,000 sqm gross of non-bulky goods floorspace and 8,000 sqm of bulky goods floorspace).

As set out in Policy CS1 Delivering Rotherham's Spatial Strategy, Rotherham town centre will be the focus for the majority of new comparison and convenience floorspace proposed to be accommodated in the borough. However subject to satisfying other requirements of this policy, convenience goods floorspace proposals will be supported at Wickersley / Bramley (up to 1,500 sqm gross).

Neighbourhood shops and shopping parades that provide for local retail and service needs will be safeguarded and improved to help reduce the need to travel and to maintain accessibility and inclusive communities. New development of an appropriate scale for local shops and community facilities will be supported in areas of housing growth.

The Sequential Approach

Proposals for town centre uses on the edge of or outside of designated centres will only be permitted where it can be demonstrated that: a. sites within and then on the edge of town, district or local centres have been assessed and it can be demonstrated that they are not available, suitable or viable for the proposed development, and then b. In the case of bulky goods floorspace, the availability, suitability and viability of vacant premises in retail parks to accommodate the proposed development has been assessed.

Impact Assessment

Proposals for retail, leisure or office uses of 500 sq m gross or above, on the edge of or outside of designated centres, must be accompanied by an assessment of c. the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal; and d. the impact of the proposal on the vitality and viability of centres, including local consumer choice and trade. Applicants should agree with the Local Planning Authority the scope of the evidence and analysis to be submitted to ensure that this is proportionate to the scale and nature of the proposal.”

Policy SP23 'Out-of-Centre Retail Parks and Other Out-of-Centre Developments' states that “*Planning permission for the expansion of existing out-of-centre facilities or new out-of-centre retail development will not be supported unless the proposal satisfies the requirements of Core Strategy Policy CS 12 'Managing Change in Rotherham's Retail and Service Centres'.*

The Council will seek to ensure that development of main town centre uses (as defined in national planning policy) in out-of-centre locations remains complementary to defined centres by mitigating the impact of any development. This will be achieved by imposing appropriate conditions including on the use of land and premises, the scale of development, the sub-division of units, and the goods that can be sold from any retail outlet”

The application is supported by a Planning Statement which includes the Sequential and Impact Test. This has been updated through the application process in

order to address comments raised by the LPA in relation to the retail impact assessment incorporated within the original Planning and Retail Statement prepared and submitted in January 2021. In doing so, it also includes additional work previously undertaken in order to address issues raised in an objection to the application by Martin Robeson Planning Practice (MRPP), on behalf of Tesco Stores Limited (Tesco).

The application site is considered to be an edge of centre location as defined by the NPPF which is an important material consideration for the retail land use elements of this proposal. Section 7 of the latest version of the NPPF deals with retail and main town centre issues, with paragraph 87 confirming that the sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date development plan. The same paragraph confirms that the sequence of preferred locations should be town centres followed by edge of centre locations and, only if suitable sites are not available, should out of centre sites be considered. Paragraph 88 of the NPPF confirms that when considering edge and out of centre proposals preference should be given to accessible sites which are well connected to a town centre.

Given that the application site lies outside of the defined retail centre and primary frontage boundaries in the development plan, as noted above it is considered that the sequential test should apply to this proposal. In terms of the classification of the application site, the NPPF notes that edge of centre locations:

“For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances”.

The development plan does not define a primary shopping area for Maltby although it is considered that the primary frontage boundary definition is a reasonable equivalent. Using this as a guide, it is considered that the application site and the proposed layout of the development are within the 300 metres set by the NPPF and therefore the site is ‘well connected’ to the primary frontage area and would function as an integral part of the Town

Centre. On this basis, it is considered that the application site should be classified as an edge of centre location.

With regards to the test of impact, paragraph 90 of the NPPF confirms that such assessments are only required in support of proposals located outside of town centres that are not in accordance with an up to date development plan and either over 2,500 square metres gross floor space or a locally set floor space threshold. As noted above the Local Plan sets a lower impact assessment threshold of 500sq m gross floor space and therefore the impact test applies to this proposal. In terms of the content of the impact assessment, paragraph 90 of the NPPF asks two areas to be analysed. First, the impact of the proposal on existing, committed and planned public and private investments in a centre or centres in the catchment area of the proposal. Second, the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.

The Sequential Test

Given that the application sites lies in an edge of centre location, there is a requirement to consider whether there are any suitable and available sites and all premises in sequentially preferable locations which can accommodate the proposal (taking into account reasonable flexibility in scale and format).

In this respect the Local Planning Authority is satisfied with the use of Zone 17 of the 2017 Retail and Leisure Study, and as part of the updated/additional information the applicant commissioned a new survey of householder shopping patterns in late 2021 to refresh the 2017 survey. As the application site lies in an edge of centre location it is considered that the focus for the assessment of alternative sites should be on in-centre locations and those edge of centre locations where preference can be given to accessible sites which are well connected to the town centre. In relation to the latter category, it is considered that this will be difficult to achieve in practice given that the application site lies directed adjacent to the defined retail centre and close to the defined primary frontage in Maltby.

The alternative sites and premises assessed are –

- Maltby playing fields
- Coronation Park
- Maltby allotment gardens
- Tarmac site, Blyth Road
- Tickhill Road
- Millendale
- Land to the south of Blyth Road
- Muglet Lane local centre and vacant units

The applicant concludes that following the consideration of sites and premises in and around the defined town and local centre boundaries in Maltby the proposed development complies with the sequential test on the basis that there are no suitable and available alternatives. Therefore it is considered

that the proposed development complies with Policy CS12 and paragraphs 87 and 88 as far as the sequential test is concerned.

The Impact Test

The submitted information provides an assessment of 'impact' based upon the two indicators outlined at paragraph 8 of the NPPF:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

In relation to the above it is noted that Maltby town centre and the nearby local centre at Muglet Lane are the focus for the assessment based upon the catchment for convenience goods shopping in Maltby as demonstrated by the 2016 householder survey commissioned to support the 2017 Retail and Leisure Study, and the more recent shopping patterns survey commissioned by the applicant. It is common and best practice to focus impact assessments on defined 'town centres' in the primary catchment of a proposal and the 2016 household survey shows that the majority of expenditure drawn to convenience goods stores in Maltby is from residents of Zone 17 of the study area, which has now been re-named Zone 1 in the 2021 survey.

Impact on Town Centre Vitality and Viability:

It is considered that a robust assessment of the likely impact of a retail or leisure proposal should be based upon a number of factors, including: the direct trade diversion impact of the proposal, the level of trading overlap with nearby 'town centres', the health of these centres, plus the potential for positive spin-off benefits.

With regards to the direct trade diversion impact of the proposed development to summarise the applicants focused upon the 80% convenience goods sales as well as considering the comparison goods element. This assessment has also been updated using the updated information on per capita expenditure levels as the original data used from the 2017 Retail Study was already 4 years old.

The initial assessment carried out by the applicant noted that more recently the new Aldi and Home Bargains stores in Maltby have provided new convenience goods floor space to serve the local population, and as such the initial assessment acknowledged these events and manually alters the market share levels of other stores for shopping patterns in Zone 17. Such an approach would be considered acceptable if the two new stores had yet to be constructed, although this is not the case, with the stores now open and trading. Therefore, it was considered that the applicant's original assessment did not provide adequate reasons for not undertaking a new survey of housing shopping patterns in order to fully understand the impact of these two new stores. Indeed, it should be noted that these two new stores are likely to have

doubled the amount of convenience goods retail floorspace in Maltby in recent years and as such this could have led to a material change in convenience goods shopping patterns which should be taken into account.

With regards to the assessed turnover of the convenience goods element of the proposed store, the applicant's original assessment of trade diversion impact utilised a sales density of £10,542/sq m. At the time of writing the initial report this sales density was the most up to date information available. However, in December 2021, new sales density data was released which indicates that Lidl's national average convenience goods sales density comprises £8,883/sq m (in 2019 prices) and this new sales density was utilised in the updated impact assessment provided by the applicant.

In light of the above it was considered that there were some short-comings in the applicant's initial impact assessment which could be addressed through the use of a new and up-to-date survey of household shopping patterns in the Maltby area. In this regard the NPPG notes:

“The impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. Ideally, applicants and local planning authorities should seek to agree the scope, key impacts for assessment, and level of detail required in advance of applications being submitted”, and

“The following steps need to be taken in applying the impact test:

- establish the state of existing centres and the nature of current shopping patterns (base year)”*

In addition to the above it is noted that in the original assessment the applicant concluded that the proposal would positively contribute to the health of Maltby town centre via linked trips/spin off benefits, although no data was provided to properly address this issue. Furthermore, the original assessment made the assumption that the convenience goods turnover of the proposed store should be treated as part of the turnover of Maltby town centre. Whilst it is noted that the location of the application site in close proximity to the town centre, it is also noted that the application site is not part of the defined town centre boundary in the development plan, which is a matter of fact, as raised in the objection from Tesco. Therefore, it is considered that it would be more appropriate to consider the positive benefits associated with the proposed store via its contribution to linked trips as part of a formal assessment of 'impact'.

The above failings in the initial assessment were put to the applicant, which has led to the submission of an updated 'Retail and Planning Statement' dated January 2022 which include the following revisions –

the commission and use of a new survey of household shopping patterns. The survey took place in December 2021 and has addressed the above concern and also the objection raised by

Tesco. The December 2021 survey area adopted a small number of the same survey zones as the Sheffield and Rotherham Retail Study and the scope of the survey area was agreed with the LPA. In particular, it was agreed that Zone 1 of the new survey area (covering Maltby and the immediate surrounding area) should be classified as the primary catchment area for the proposal (and also for existing grocery stores in Maltby). It was also agreed that it would be helpful for the new survey area to include four additional survey zones surrounding Maltby, on the basis that, whilst they may not form part of the primary catchment, their inclusion would assist in the calculation of the total turnover of retail stores in Maltby and also the calculation of the turnover of the main competing stores in the surrounding area.

the use of new population and per capita retail expenditure data, sourced from Experian. This data ensures that the assessment is based upon the most up to date data available.

economic forecasts. The applicant's updated assessment uses economic forecasts contained within the 2020 version of Experian's Retail Planner Briefing Note.

the annual turnover of the proposed retail store. an updated forecast for the turnover of the proposed store has been provided, utilising the latest sales density data available from GlobalData.

The content of the updated impact assessment submitted by the applicant includes data and analysis on both convenience and comparison goods expenditure.

With regards to the updated assessment the following points should be noted: assessment of study area derived turnover. The updated impact assessment bases the assessment of study area derived turnover on the results of the new (2021) household survey trade draw assessment. The NPPG asks that impact assessments include data/forecasts of the likely pattern of trade draw to proposed new retail floorspace. In this context, the updated impact assessment estimated that 80% of the convenience goods turnover of the proposed store will be derived from residents of Zone 1 (Maltby), with a smaller proportion (15%) of the turnover coming from the other four zones (combined), and the remaining 5% from beyond the Study Area. This broad approach is considered acceptable.

With regards to the calculation of study area derived turnover levels further information has been provided on this and the following is noted:

the analysis has adopted the results to all four grocery shopping questions – i.e. first and second choice main food destinations & first and second choice top-up food destinations. This is considered appropriate as it allows the analysis to take into account more detailed shopping habits.

the split of expenditure across first and second choice main food destinations & first and second choice top-up food destinations has been 45%, 20%, 25% and 10% respectively. Whilst these are averages, the split of expenditure is considered reasonable.

In order to estimate the study area derived turnover of existing stores and centres, the submitted analysis re-bases some of the market share data in order to remove grocery shopping via the internet and also to remove the don't know / don't do / nowhere else responses from the main and top-up food shopping question results.

Based upon the above, it is considered that the study area derived turnover element of the updated analysis provides a robust assessment of current market share and equivalent study area turnover levels. The updated analysis also makes an allowance for expenditure inflow from outside of the study area.

Based upon the results of the new household survey, the following points are important to note:

- the new survey of household shopping patterns has enabled the analysis to take account of the trading impact of the new ALDI and Home Bargains stores in Maltby. It is notable that the forecast turnover of the new ALDI foodstore is considerably in excess of the turnover of the Tesco store in the town centre. On face value, a larger turnover for the ALDI store should not be surprising, as the store is larger than Tesco, although the difference in study area derived turnover is significant. This also shows how the new ALDI store will have affected the previous turnover of the town centre Tesco store.
- however, it remains the case that there is a leakage of grocery shopping trips from Maltby. Based upon the data contained in the updated impact assessment, around 30% of convenience goods expenditure generated by residents of Zone 1 is being spent in stores outside of Maltby (primarily the Morrisons in Bramley). This updated information will need to be taken into account when considering whether the proposed store will be able to claw back convenience goods expenditure from surrounding settlements.

Turning to the forecast pattern of convenience goods trade diversion to proposed store, the applicant's updated analysis shows pre and post impact turnover levels which forecasts that the level of convenience goods expenditure that will be diverted from the Tesco store in Maltby town centre being equivalent to a 13% loss of annual convenience goods trade for that store. However even if the level of trade reduction was to be higher, the post-impact turnover / sales density of the Tesco store would remain, at worst, consistent with the company average for this size of store, and it must also be remembered that whilst the proposed Lidl store will offer direct competition to the Tesco store, the Tesco store stocks a wider variety of products which will mean that it is likely to remain a first

choice grocery destination for many convenience goods products for the local community

The applicant's updated assessment notes that the majority of convenience goods expenditure will be diverted from other stores in Maltby, with the remaining element of turnover diverted from stores elsewhere (primarily the Morrisons in Bramley).

The applicant's assessment indicates that there will be minimal diversion of trade from other smaller stores in Maltby town centre and therefore there will be minimal levels of impact, and that the proposed Lidl store is unlikely to compete with smaller / niche stores due to the difference in retail offer.

Overall, there is no evidence to suggest that the future viability of the Tesco store or other parts of the convenience goods sector in the centre will be adversely affected to any significant degree.

The applicant's updated impact assessment also provides an analysis of the potential trade diversion impact of the comparison goods floorspace element of the proposed store. This is to be welcomed as whilst the comparison goods floorspace element is a minor part of the proposed retail store, it is nevertheless new retail floorspace which has the potential to divert trade from existing stores in both the local area and further afield.

The applicant's updated assessment forecasts that just over £0.3m of the total comparison goods turnover of the proposed store will be diverted from existing stores in Maltby, including £0.215m from town centre stores. The remainder of turnover will be diverted from stores in Rotherham (Parkgate), Doncaster and Meadowhall, plus £0.3m from unspecified stores beyond the local area.

Bearing in mind the assorted comparison goods retail offer of the proposed store, it is considered that the applicant's forecast trade diversion is reasonable and based upon the current retail offer of the town centre, is not considered to be significant threat to this sector.

These direct impacts are considered alongside the indirect impacts associated with the proposed store and how it relates to Maltby town centre. Beyond the direct trade diversion impact of the proposed store, the applicant's submitted assessments also raise the reasonable point that the store may be able to benefit Maltby town centre via linked trips and spin-off benefits. Given the location of the application site and proposed store in relation to Maltby town centre this is a reasonable issue to be included in the overall planning balance.

The assessment provided by the applicant is based on the following:

- the new household survey included a series of questions about the propensity of shoppers visiting stores for main food and top-up food shopping to also use other facilities as part of a linked trip.

- the updated impact assessment indicates that the results of the new household survey show linked trips associated with visits to the Tesco store in Maltby town centre.
- the updated impact assessment provides an assessment of potential linked trips associated with the proposed new Lidl store.
- as part of the applicant's assessment it is acknowledged that some of the likely linked trips associated with the proposed store will be transferred from existing linked trips from other shops and services in the local area which is considered to be reasonable. As a consequence, this phenomenon will need to be taken into account when judging the positive weight to be placed on the issue of linked trips.

In order to provide some additional analysis on the linked trips issue the householder survey results have been fully assessed which demonstrates that the results sit comfortably with the general concept of town centre first approach as there is a greater likelihood of linked trips associated with stores which are located within or on the edge of 'town centres' rather than out of centre stores. Therefore, the probability that the proposed store will generate linked trips is a reasonable assumption, however the below should be noted:

- it is not considered likely that the proposed store will significantly alter the linked trip behaviour of grocery shoppers who already visit stores in Maltby (Tesco and ALDI) for their main and top-up food shopping.
- there is the possibility that the diversion of trade from stores outside of Maltby will lead to additional linked trips associated with the town centre. The applicant's assessment estimates that 36% of the convenience goods turnover of the proposed store will be diverted from existing stores located outside of Maltby and therefore it could be an extra benefit associated with the proposal.

Therefore, it is considered that whilst the proposed store will divert retail expenditure from existing stores within the defined town centre boundary, the location of the proposed store is such that it has the realistic potential to make a contribution to the town centre via linked trips and spin-off benefits. Whilst a reasonably large element of these linked trips will be transferred linked trips, they nevertheless will continue to benefit the town centre and this will be reinforced by the potential for additional benefits for Maltby as trade is diverted from other stores located outside of the town. On this basis, whilst it is important to note that there will be an adverse impact upon some trade associated with existing stores within the defined town centre boundary, it is unlikely that there will be a significant adverse impact on the vitality and viability of the defined town centre for the reasons outlined above.

Impact on Planned Town Centre Investment

In this regard the applicant's statement notes that there are not any other planning investment projects which could be affected by the proposed development at the application site and the submission is also very keen to emphasise the positive contribution that the proposal will have on Maltby town centre via linked trips / spin-off benefits. This is accepted by the Council and

as a consequence it is not considered that the proposed store will have a significant adverse impact upon existing, planned and committed investment in Maltby town centre.

Therefore, it is considered that the above sets out the various positive and negative aspects associated with the proposed retail store, and when these are weighed up it is not considered that the proposal conflicts with the relevant policies in the Local Plan or the NPPF in relation to the sequential and impact tests. However, to ensure that the proposal would operate within the parameters of the assessments undertaken, it is considered appropriate to limit the net sales area of the store to 1,256sqm, with a maximum of 20% of the net sales area being allowed to sell unrestricted comparison goods with the remainder of the net sales area selling convenience goods. As well as this restrictions should be imposed to ensure that the proposed retail unit could not be allowed to be subdivided into separate smaller retail units, and should be restricted to Use Class E(a) uses only.

An objection to the application on the basis of the initial Planning and Retail Assessment has been received from Tesco which is noted above in the report. They object on the grounds that the initial supporting information assumes that the proposal is in a town centre noting the following comments in the Planning Statement - *“This is, however, a historic boundary and in practice, the site would fully function as an integral part of the town centre”* and that *“...new Lidl store would function as part of Maltby town centre, should it be approved and implemented...”*

As detailed above the site has been assessed as an ‘edge of centre’ site which is correct and in accordance with policy. Additionally any potential benefits of the proposal have been considered on the basis of the site being an edge of centre site.

They also objected on the grounds that the claims of significant ‘clawback’ of retail expenditure were overstated and due to the lack of any up to date health check of town centres in the initial assessment. As stated above the applicant has submitted an updated Planning and Retail Statement which includes, amongst other things, an updated householder shopping pattern survey undertaken in 2021.

Transportation issues and access

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

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

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

g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.”

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

- a. As a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*
- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;*
- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access;*

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

The NPPF further notes at paragraph 110: *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be –*
or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;*
and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

Paragraph 111 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.*

The access has been amended through the application process as a result of negotiation and in accordance with findings of the Transport Assessment, a Stage One Safety Audit and a Travel Plan and which have been submitted in support of the application. The Transportation Unit have assessed the application and have provided the following comments -

The Transport Assessment (TA) submitted with the application has been reviewed based on a store with a gross floor area of 1,893 sq m and a total of 87 parking spaces (75 No. standard, 5 No. accessible, 5 No. parent and toddler and 2 No. EV charging bays):

Trip Generation

The trip generation of the proposed foodstore has been calculated using trip rates obtained from the TRICS database (Trip Rate Information Computer System). This indicates some 84 No. arrivals and 83 No. departures during the weekday PM peak hour. For the Saturday peak hour the figures are 108 and 109 respectively. Peak pass by trips of 45% during the weekday evening peak and 25% during the Saturday peak period were agreed in pre application scoping discussions. It has been assumed that all trips to the new store will either be pass by/diverted, transferred from a competing store or linked with the Tesco store opposite.

Traffic Impact

The proposed staggered junction has been modelled. This shows that the junction is predicted to operate within capacity with the proposed foodstore in operation with no increases in the maximum expected queuing in the 2026 base scenario. Although there is a slightly higher volume of traffic on the A631 High Street travelling in both directions past the Tesco access, a small number of transferred trips from the Tesco store results in a slightly reduced number of trips turning into and out of the Tesco access, improving the operation of this junction. It is therefore concluded that the proposed Lidl and Tesco access staggered junctions with A631 are predicted to operate within capacity with no significant queuing or delay expected.

Car and cycle parking

A car parking accumulation exercise has demonstrated that the level of parking proposed, 87 No. spaces, is appropriate and consistent with Lidl's operational experience. Cycle parking is to be provided in the form of 6 No. Sheffield type stands (to accommodate up to 12 cycles) located under the building canopy.

Pedestrian accessibility

The footway network in the area is generally good and a signal controlled pedestrian crossing is located close to the site access facilitating pedestrian trips to/from the site. The access arrangement originally submitted has now

been revised and now involves a reduced bell mouth for pedestrians to cross. A pedestrian refuge is no longer required. A tracking exercise has been undertaken based on a large delivery vehicle.

Public transport

It is agreed that the site is accessible by public transport. Bus stops are convenient for the proposed store. The route is served by a number of frequent services Monday to Friday daytime with a reduced evening and weekend frequency.

Cycling accessibility

Cycle parking adjacent to the store will be provided and the store is accessible for cyclists

Road safety

The analysis of personal injury collisions indicates that there are no recurring patterns of accident causation factors or readily identifiable geometric road characteristics that appear to be having an adverse impact upon road safety.

Travel planning

The framework travel plan accompanying the application is acceptable to the Council.

The conclusions in the TA are considered to be sound. Whilst any additional trips on the road local to the site may not be significant in themselves, they will have a very modest impact on congestion and movement of public transport.

The Councils adopted SPD2 Air Quality and Emissions requires non residential developments (for proposals with 5 or more parking spaces) to provide vehicle charging point infrastructure (cabling routes) to serve every car parking space and a minimum of 20% of parking spaces to have charging points. As part of this application the proposal is to include 2 rapid 50kW electrical vehicle charging point parking spaces, which would charge a small electric car within 30 minutes, which is an average time a shopper may be in the store. The scheme also allows for passive infrastructure which will allow fast charging points to be provided across an additional 20% of car parking spaces in the future. Whilst this is not in full accordance with the requirements of the SPD, justification has been provided on the basis that the rapid charging points are more suitable for they type of customer to the store, and the Councils Air Quality Officer has accepted this approach as acceptable.

An objection has been received from Maltby Town Council who state that the TA was carried out during the Covid lockdown and so should be carried out again. However, the traffic survey data used in the TA was obtained in May 2019 and represents traffic conditions pre-Covid lockdown and is therefore considered to provide a reasonable basis for the assessment. They also raise issues regarding the location of the access opposite the access to the existing Tesco store and the issue of increased air pollution caused by traffic.

The TA has considered the likely traffic impact on the staggered junctions and concludes that these are expected to operate within capacity with no significant queuing or delay and are acceptable. In relation to increased air pollution caused by traffic the TA assumes that all trips to the new store will be either pass by trips (ie. already on the network), diverted, linked with the Tesco store opposite or transferred from a competing store. This assumption is accepted and any additional trips on High Street are likely to be insignificant. Additionally, air quality in Maltby, as in the rest of the borough, is reviewed and assessed annually by the Local Authority. Levels measured in 2019 in Maltby were significantly lower than in some areas of the Borough. Close to Queen's Corner, measured annual mean nitrogen dioxide was 26ug/m³. This compares with a highest measured level of 52ug/m³ close to Fitzwilliam Road, Rotherham town centre. In this respect the national standard (which applies where people live, but not at the next to a road) is 40 ug/m³.

The proposed development is committed to install EV charging in its car park as part of its contribution to encourage the uptake of ultra-low emission vehicles which produce no emissions to air from combustion whilst being driven.

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

Design, layout and scale

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

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

The NPPF at paragraph 126 states, in part, that: "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*" Paragraph 134 adds that "*Development that is not well designed should be refused,*

especially where it fails to reflect local design policies and government guidance on design”

In general terms the preference was for the store to be located at the front of the application site close to High Steet , however it is recognised that this is unachievable due to the site constraints. In this respect it is vital that the boundary treatment to the main road is appropriate, and the application indicates that it will be a masonry wall with railings to also include a ramped pedestrian access from High Street with a clear pedestrian walkway to the store.

The design of the building is contemporary with a significant amount of glazing and curtain walling. Whilst the design is not in keeping with the traditional buildings around the site it is considered to be high quality and also has a high quality public realm area which will be a significant improvement on the existing site appearance and provide a development which is visually attractive.

The proposal involved the demolition of four single storey buildings which have very little architectural merit, and replace with one larger building situated to the north of the site. The layout includes car parking and significant landscaped areas with tree planting. The high quality design materials and location within the site are considered appropriate and will lead to a significant visual improvement in the locality. Additionally, 18m high telecommunications mast has been removed from within the site which is also beneficial in visual amenity terms for the locality. It is therefore considered that the proposal complied with policies CS28 and SP55.

In terms of sustainable criteria the application has been accompanied by Sustainability Statements which demonstrates that the proposed building will achieve a significant 184.56% carbon dioxide reduction and a 180.37% energy reduction, and as such the developers consider that it shows compliance with policy SP57. SP57 ‘Sustainable Construction’ states that *“To enable high quality, functional and sustainable design to be clearly embedded in future development, proposals will need to be designed to withstand and adapt to the predicted impacts*

of climate change. The evidence supporting the planning application should be proportionate to the scale of the development and:

a. identify how recycled materials will be used during construction unless it can be

demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;

b. meet the relevant BREEAM ‘very good’ standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable;

c. demonstrate how the installation of integrated renewable and low carbon energy technologies in new and existing non-residential developments, in order to off-set CO2 emissions and mitigate the impacts of climate change, has been assessed and included within the development unless it can be

demonstrated that it would not be technically feasible or financially viable. These could include (but are not limited to):

- i. solar thermal*
- ii. solar photovoltaic*
- iii. biomass boilers*
- iv. ground source heat pump*
- v. wind turbines*
- vi. combined heat and power schemes & associated infrastructure*

This policy should be read in conjunction with Policy WCS 7 'Managing waste in all developments' of the Barnsley, Doncaster and Rotherham Joint Waste Plan (March 2012) regarding the management of waste products arising from the development and future occupation and Policy SP 36 'Soil Resources'."

In this regard to ensure that the proposed development is in compliance with the above policy a condition is recommended to ensure that the scheme achieves a minimum BREEAM very good standard unless it can be demonstrated that it would not be technically feasible or financially viable.

Drainage and Flood Risk issues

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

"Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:*
 - i. the natural geomorphology of watercourses,*
 - ii. water quality; and*
 - iii. the ecological value of the water environment, including watercourse corridors;*
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies*
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;*
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,*
- e. dispose of surface water appropriately according to the following networks in order of preference:*
 - i. to an infiltration based system wherever possible (such as soakaways)*
 - ii. discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)*
 - iii. discharge to a public sewer."*

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

Furthermore policy SP47 'Understanding and Managing Flood Risk and Drainage' states in part that: *"The Council will expect proposals to:*

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

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

Paragraph 163 of the NPPF notes in part that: *"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment."*

The applicant was supported by a Flood Risk and Drainage Assessment which confirm that the site is within Flood Zone 1 as shown on the Environment Agency maps, meaning that it is very unlikely to flood.

The Council's Drainage Engineers have assessed the submitted documents and have raised no objection to the application subject to the implementation of the details in the submitted Flood Risk Assessment and Drainage Layout.

The Council's Drainage Engineer is satisfied that the site can be properly drained without any significant adverse effects on the locality. It is therefore considered acceptable from a drainage and flood risk point of view and is in accordance with the relevant Local Plan policies and the NPPF.

Landscape and trees

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

- b) Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals."*

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

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

The application has been supported by a Landscape and Ecological Management Plan, a Landscape Management Document and a Landscape Plan.

The Council's Landscape Design Section have assessed the submitted information and note that the site sits within the green infrastructure area. Through the application process the landscape plans have been amended to ensure that the scheme provides suitable mitigation and enhancement measures through landscape features and soft landscape, and the Landscape Architect has confirmed that the final amended plan is appropriate for the development.

Turning to trees, a Tree Survey was submitted with application which identified trees proposed to be removed, however shortly after its submission all the trees within the site were felled, although a few trees along the boundaries were retained. The trees that were felled were not protected by a Tree preservation Order nor were they protected by condition in this respect their removal was not against planning regulations. Due to the removal of all the trees the Council's Tree Officers required tree planting on the site to mitigate the loss which includes the provision of 20 extra heavy standard trees. The Tree Service have confirmed that they are happy with the final

amended landscape proposal and the trees incorporated with this and raise no further objections.

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

Ecology and Biodiversity issues

In assessing these issues, Policy CS20 'Biodiversity and Geodiversity,' notes in part, that: *"The Council will conserve and enhance Rotherham's natural environment and that resources will be protected with priority being given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets."*

Policy SP33 'Conserving and Enhancing the Natural Environment' states, in part, that: *"Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,"* and adds that: *"Development will be expected to enhance biodiversity and geodiversity onsite with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes."*

The NPPF further advises in part of paragraph 174 that: *"Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):*

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"

An Ecology Survey was submitted with the application which has been assessed by the Councils Ecologist. This includes recommendations to improve biodiversity at the site by planting broadleaf trees and native shrubs, as well as providing 2 bird boxes within trees on the eastern and western boundaries and 3 bat boxes on the eastern boundary of the site.

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

General Amenity Issues

Policy CS27 'Community Health and Safety' states, in part, that: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. Development should seek to contribute towards reducing pollution and not*

result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.”

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

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

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

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

Noise:

A noise Assessment Report was submitted in support of the application which concluded that the ambient noise climate in the vicinity of the application site is due to local traffic on High Street, Manor Road and Braithwell Road and distant traffic on the wider road network. Mitigation measures were recommended in the form of the adoption of a service yard management plan for night time deliveries. The applicants did not consider that noise represented a constraint to the proposed food store.

This document proposed deliveries to the store outside of their opening hours at any time of the night, as the HGV delivery lorry would have to manoeuvre over the customer car parking spaces to allow it to reverse into the loading bay due to the shape of the site. They state that this would take 2 mins, and the vehicle would be unloaded within 45 mins and with the implementation of a Delivery Management Plan they concluded that *“noise associated with deliveries is at the No Observed Adverse Effect Level as: it may be heard, but does not cause any change in behaviour or attitude; and it can slightly affect the acoustic character of the area, but not such that there is a perceived change in the quality of life.”*

The Councils Environmental Health Officer assessed the submitted report and did not agree with their findings. The EHO considered that a HGV vehicle arriving at the site in close proximity to residential properties at any time during the night would be unacceptable as it would cause disturbance to residents. She recommended that deliveries should only be made to the site between the hours of 07:00 to 23:00 Monday to Saturday, and 08:00 to 22:00 on Sundays as the opening hours of the store would be shorter.

After discussions between the EHO and the applicants noise consultant, the applicant has agreed to accept the restriction on the hours for deliveries as noted above. Other conditions are recommended to manage the construction period and to protect the amenity of nearby residents.

The proposal involves the provision of photovoltaic panels on the roof of the store which will reduce the carbon dioxide emissions by 184.56%. The Environmental Health Officer has assessed these and does not consider that they will create any noise or impacts on amenity for neighbours.

Lighting:

A lighting Report has also been submitted and assessed by the EHO who has recommended relevant conditions to limit the impact of light from the development on the amenity of nearby residents.

Land Contamination:

The application was supported by a Phase I Geo-Environmental Assessment and a Geo-Environmental Appraisal which have been assessed by the Council's Land Contamination Officer. Based on these it is concluded that there is very low risk to the future users of the site from potential site contamination and the site is considered suitable for its proposed end use, subject to recommended conditions.

Air Quality/Dust:

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

This includes proposed mitigation for developments types.

An Air Quality Assessment was submitted with the original application which looks at the impact on Air Quality during the Construction Phase and the Operational Phase along with any proposed mitigation measures.

During the construction phase of the development the risk of dust soiling effects is classed as high for earthworks and construction activities and medium for trackout. The risk of human health effects is classed as low for earthworks, construction and trackout. Mitigation measures are proposed to reduce any potential impacts based on best practice guidance.

Turning to the Operational Phase of the development the Air Quality Assessment concludes, annual mean NO₂, PM₁₀ and PM_{2.5} concentrations have been modelled at twenty existing receptor locations using the most recent Emission Factor Toolkit available from DEFRA (v 10.1). In accordance with national guidance, a sensitivity analysis has also been undertaken for NO₂ concentrations in which base year background pollutant concentrations and vehicle emission factors have been applied to the opening/future years. This is considered to provide a conservative upper-bound to the assessment. Predicted annual mean pollutant concentrations have been compared to the relevant air quality objectives and target level. Therefore the impact of the development during the operational phase is predicted to be negligible at all twenty existing sensitive receptors that have been considered. Air quality effects are, therefore, considered to be 'not significant'.

The assessment demonstrates that the proposed development will not lead to an unacceptable risk from air pollution or to any breach of national air quality objectives. Therefore, the proposed development is compliant with national policy and there are no material reasons in relation to air quality why the proposed scheme should not proceed, subject to appropriate planning conditions.

The Council's Air Quality Officer has assessed the submitted information and notes that mitigation has been proposed as part of the development via way of the provision of rapid electric vehicle charging points in accordance with details included within the adopted SPD and that their provision should be conditioned.

Therefore, taking into consideration the mitigation measures proposed the scheme is considered to be acceptable in terms of general amenity, and in this respect the scheme is in compliance with the relevant Local Plan policies.

Impact on existing residents

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

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

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

The application site is bound by residential properties to the east along Manor Road, which will be used to the application site containing built development due to the previous uses on the site. The built development of the foodstore is proposed to be in the north eastern corner of the site close to the boundaries of the residential properties. The land level at this part of the site is currently much greater than that at the southern end of the site. However, the proposal is to regrade the site which would include the reduction in the land level where the building is proposed. Section plans have been submitted in support of the application which show the proposed building at a significantly lower land level than existing, and also at a significantly lower level than the dwellings on Manor Road. The plans show that the height of the building at the closest point to the dwellings would be lower than the eaves of the houses.

The closest dwelling to the building is approx. 17m from the proposed building and the plan also shows that the 25 degree line is cleared and in this respect the building would not have an overbearing or oppressive impact on the residential amenity of the adjacent occupiers. It is therefore considered that the proposal would not have any adverse impacts on the residential amenity of nearby neighbours.

Telecommunications

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

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

Minerals and Waste

Policy CS26 'Minerals' states in part that "*Mineral Safeguarding Areas will be defined around all deposits of coal, aggregate limestone (in the south-eastern part of the borough between Thorpe Salvin and Maltby), and brick clay (between Hellaby and Maltby), that are considered to be of current or future economic importance. The purpose of Mineral Safeguarding Areas is to ensure resources are protected beyond the plan period, therefore in Mineral Safeguarding Areas there is no presumption that safeguarded resources will be worked but any potentially incompatible development should not sterilise underlying or adjacent mineral resources. All non-mineral development proposals within the Mineral Safeguarding Areas will be encouraged to extract any viable mineral resources present in advance of construction where practicable, and where this would not have unacceptable impacts on neighbouring uses.*

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

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

As the application falls within the Limestone, and Shallow Coal Fire and Brick Clay Mineral Safeguarding Area the developer has submitted supporting information which states that in line with criteria b, there are no minerals of economic value at the site.

In relation to policy WC7 'Managing waste in all developments' of the Barnsley, Doncaster and Rotherham Joint Waste Plan (March 2012) regarding the management of waste products arising from the development and future occupation, as the contractors have not yet been appointed it is considered appropriate to attach a condition to any permission requiring the submission of a Waste Management plan.

Conclusion

The site is allocated for Community Facilities in the adopted Local Plan and in this respect the Local Planning Authority is satisfied that the provision has been made elsewhere for the uses that previously occupied the site in accordance with policy SP62. The proposal is for retail development on the edge of the town centre as defined in the Local Plan and as such the application has demonstrated that the scheme complies with retail policies in the Local Plan and the NPPF in terms of the Sequential and Impact Assessment.

The proposal is considered to be acceptable in Transportation terms, and it is considered that issues relating to drainage and flood risk, landscape and trees, ecology, general amenity issues, the impact on existing residents, telecommunications and waste are acceptable subject to relevant planning conditions.

Overall it is considered that the proposed development is broadly in accordance with the policies of the Development Plan and 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 09, 15, 22, 24, 26, 28 & 29 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 09, 15, 22, 24, 26, 28 & 29 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

GENERAL

01

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

Reason

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

02

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

- Location Plan 7319-SMR-00-XX-DR-A-2002-A3-RevC1
- Proposed Site Plan 7319-SMR-00-ZZ-DR-A-2005-A3-RevC8
- Proposed Floor Plans 7319-SMR-00-ZZ-DR-A-2010-A3-RevC2
- Proposed Elevation Plans 7319-SMR-00-ZZ-DR-A-2012-A3-RevC3
- Proposed Lighting Plan 0400500146 DWG 01
- External Works 7319-SMR-00-ZZ-DR-A-2007-A3-RevC6
- Proposed Site Sections 7319-SMR-00-ZZ-DR-A-2008-A3-RevC6
- Proposed Roof Plan 7319-SMR-00-ZZ-DR-A-2011-A3-RevC2
- Drainage Layout (Project: 4940, Drawing: C100, Revision: P4)
- Flood Risk and Drainage Assessment (Final Report v1.1 – November 2021)

Reason

To define the permission and for the avoidance of doubt

03

The building hereby approved shall be used as a retail store, Use Class E(a), only and for no other purpose (including any other purpose in class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987(as amended)).

Reason

The premises are not considered suitable for general use within the Class quoted for policy reasons and in accordance with the NPPF

04

The net sales floor area of the store hereby approved shall not exceed 1,256sqm.

Reason

For the avoidance of doubt and in accordance with the information submitted in support of the application to comply with Local Plan policies and the NPPF.

05

No more than 20% of the approved net sales area shall be used to sell unrestricted comparison goods, the remainder of the net sales area shall be used for the selling convenience goods.

Reason

For the avoidance of doubt and in accordance with the information submitted in support of the application to comply with Local Plan policies and the NPPF.

06

The retail unit hereby approved shall not be sub-divided into separate retail units at any time.

Reason

For the avoidance of doubt and in accordance with the information submitted in support of the application to comply with Local Plan policies and the NPPF.

07

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on the approved elevation drawing. The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Local Plan policy.

08

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

Reason

In the interests of the visual amenity of the area and in accordance with Local Plan Policy.

TRANSPORT

09

The development shall not be commenced until details of the proposed access arrangement indicated in draft form on plan reference 20/273/SK/001 Revision A 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 interest of highway safety

10

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

11

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

Reason

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

SUSTAINABILITY

12

The building 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.

13

Before the development is first brought into use the Rapid Charging Electric Vehicle Charging Points as details in the submitted 'Electric Vehicle Charging Points Briefing Note Ref 61100/01/JW/ATU' and shown on the approved Site Plan Ref 7319 - SMR - 00 - ZZ - DR - A - 2005 - A3 - C8 shall be provided for use on site and shall be made available for use for the lifetime of the development.

Reason

In order to promote sustainable transport choices, and in accordance with Local Plan policies.

14

Before the development is first brought into use details of the 'passive infrastructure' to allow rapid charging points across an additional 20% of car parking spaces as referred to in the Briefing Note shall be submitted along with a timetable for their implementation. The approved details shall be implemented on site in accordance with the approved timetable.

Reason

In order to promote sustainable transport choices, and in accordance with Local Plan policies.

AMENITY

15

Prior to any development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities.
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The approved plan shall be adhered to throughout the construction of the development.

Reason

In the interests of highway safety and residential amenity.

16

The store hereby permitted shall only be open to customers between the hours of 08:00 – 22:00 Mondays to Saturdays and 10:00 – 18:00 on Sundays and Bank Holidays

Reason

In the interest of residential amenity of the occupiers of nearby properties in accordance with Local Plan policies and the NPPF.

17

There shall be no deliveries to or dispatches from the site outside the hours of:

- 07:00 and 23:00 Monday to Saturdays, and
- 08:00 and 22:00 on Sundays and Bank Holidays.

Reason

In the interest of residential amenity of the occupiers of nearby properties in accordance with Local Plan policies and the NPPF.

18

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment shall be 5dB below the existing background sound level at any time as detailed in Tables 3.1 to 3.4 – Baseline Noise Measurement Data of the acoustic report dated 26th January 2022. 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1:2019.

Reason

In the interest of residential amenity of the occupiers of nearby properties in accordance with Local Plan policies and the NPPF.

19

The lighting at the site shall be in accordance with the following –

- The artificial lighting hereby approved shall be connected to the BMS (Building Management System).
- All lighting within the sales area will be controlled by timers linked to the opening times of the store.
- The sales area lighting shall be reduced to one third lighting before and after trading hours.
- Occupancy lighting controls shall be used in non-retail areas.
- BMS and LUX sensors shall control the external lighting in the car parking areas to ensure that lighting is only used during dark hours when the store is open.
- External lighting to the sides and rear of the store, away from customer parking shall be controlled by movement sensors for the purposes of safety and security only.
- All external lighting shall be positioned to eliminate glare and minimise stray light beyond the boundary of the site

Reason

In the interest of residential amenity of the occupiers of nearby properties in accordance with Local Plan policies and the NPPF.

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

Prior to the commencement of any above ground development details of the existing and proposed finished floor levels of the building shall be submitted and approved in writing. 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 Local Plan policies.

DRAINAGE

22

No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply 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 diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

In the interest of public health and maintaining the public water supply

LANDSCAPE/TREES/ ECOLOGY

23

Landscaping of the site as shown on the approved plan (drawing no. R/2384/1E Landscape Details Rev E and Landscape Management Document dated May 2021) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

24

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

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

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

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

*Using the most recent revision the of the Standard

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

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19:

Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

25

Prior to the development being brought into use 2 bird boxes and 3 bat boxes as detailed in the submitted Landscape and Ecological Management Plan shall be provided in the locations shown on the approved Landscape Plan.

Reason

In the interest of local ecology in accordance with the Local Plan and the NPPF.

ENVIRONMENTAL

26

Prior to development commencing a limited and targeted Phase II Intrusive Site Investigation shall be undertaken in areas previously inaccessible (fire station footprint, fuel tank area, cable run areas), to confirm the nature, presence and extent of contamination within these areas and the risk it presents to human health and controlled waters. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted to and approved by the Local Planning Authority. The above should be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)' dated October 2020.

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

Cut and fill earthworks are required at the site so that a development platform can be achieved. These earth works shall be carried out under a Materials Management Plan, written and declared in accordance with the CL:AIRE Definition of Waste Code of Practice approved by the Environment Agency. This document shall be submitted and approved by the Local Authority.

Reason

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

28

Prior to development works commencing a detailed earthworks strategy/specification shall be submitted and approved by the Local Planning Authority. All works will need to be undertaken in accordance with the earthwork strategy to ensure that any geotechnical and contamination risks will be managed appropriately.

Reason

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

29

Prior to development commencing a Remediation Method Statement shall be submitted 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.

30

In the event that during development works unexpected significant contamination is encountered, 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.

31

If subsoil/topsoil is required to be imported to site for remediation works/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.

32

Following completion of any remedial/ground preparation works a Validation Report shall be submitted and approved by the Local Authority. The Validation Report shall include details of any ground works undertaken, to show that the works have been carried out in full accordance with the approved methodology. 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.

COMMUNICATIONS

33

Details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, 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

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

WASTE

34

Prior to the development being brought into use a Waste Management Plan 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.

INFORMATIVES

01

Police

The development would greatly benefit from being built to secure by design standards, www.securedbydesign.com

02

Yorkshire Water

Water Supply 1) On the statutory records, there is a 3" CI main affected by the proposed development, which would be abandoned at applicants expense.

Also, a private supply running towards sites northern boundary S/O 19 Manor Road - this supply may also need to be diverted depending on the route is may take and whom it feeds. The applicant would need to discuss this with the pipes owner if it does need diverting. 2) A supply can be made available.

03

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.

04

Broadband provision

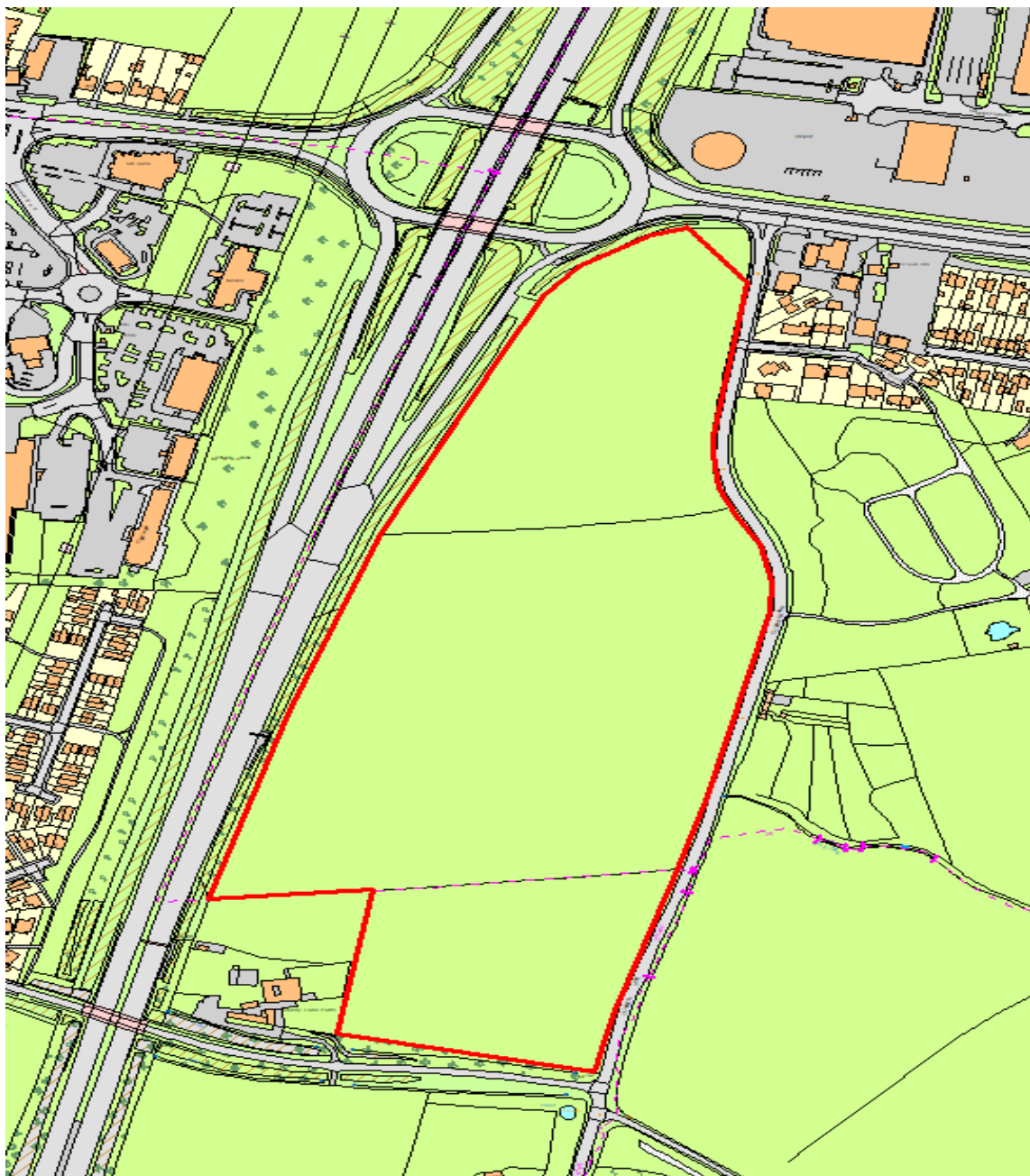
Please see the attached note from Superfast South Yorkshire regarding the Broadband provision

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2021/2317
Proposal and Location	Reserved matters application comprising layout, scale, appearance, landscaping and access (vehicular, pedestrian and cycle) within the site, for the provision of employment floorspace (E(g)(ii) & (iii)/B2 and B8) including ancillary office space and associated infrastructure pursuant to outline planning permission RB2021/1506 Land off Cumwell Lane Hellaby
Recommendation	Grant Conditionally

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



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 M18 motorway and Junction 1 slip road bordering the western site boundary.

The site slopes 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

There are currently three discharge of condition applications being assessed by the Local Planning Authority which relate to the conditions on the outline permission RB2021/1506.

RB2021/1506 - 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 – granted conditionally 25-11-2021

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 approval of the reserved matters (layout, scale, appearance, landscaping and access (vehicular, pedestrian and cycle) within the site for the provision of employment floorspace (E(g)(ii) & (iii)/B2 and B8) including ancillary office space and associated infrastructure pursuant to outline planning permission RB2021/1506.

The current reserved matters application is seeking consideration of the layout, scale, appearance, landscaping and access arrangements within the site only. All other matters were considered at the outline stage and cannot be revisited.

Unit A is proposed to be the smaller of the two units located to the north of the site, and unit B is the larger unit which is located on the remainder of the site to the south beyond a central car park area.

The two units have a combined internal floor area of 65,963sqm, and 484 car parking spaces with 180 HGV parking spaces. Unit A car parking spaces will be accessed from a northern access off Cumwell Lane, the remainder of the site will be accessed via a central access off Cumwell Lane as approved in the outline permission RB2021/1506.

Unit A is proposed to be approximately 117.4m x 59.5m, 12.5m to the haunch and 14.75m to the highest part of the roof. Unit B is proposed to be larger being 343.9m x 161.5m, 18m to the haunch and 20.53m to the highest part of the roof.

Materials are proposed to be mainly profile wall cladding in white and grey, with aluminium window/door systems to the office areas.

The application has been amended through the process to move the elevation of Unit A approx. 7m further away from Cumwell Lane and reducing the length of the elevation by approx. 7m as well as amending the proposed colour of the units to include a lighter palette of colours.

The proposal seeks permission to operate 24 hours a day.

The application has been supported by the following documents –

Design and Access Statement – This report explains the thought process behind the design strategy presented in the application, and seeks to demonstrate that the development of this site will result in a well designed, high quality scheme.

Flood Risk Assessment – This report notes that the application site is located within Flood Zone 1 as defined by the Environment Agency, however as the site is larger than 1 hectare in size a FRA is required to be submitted. The assessment concludes that the proposed development of the site for commercial use would be considered sustainable in terms of both flood risk and the management of surface water runoff.

Planning Compliance Report - This report outlines how details submitted in separate Discharge of Condition applications comply with the conditions attached to the outline permission.

Landscape and Visual Appraisal – report is an addendum to the original LVA submitted in support of the outline application and takes into consideration the details proposed as part of this reserved matters application.

Noise & Vibration Assessment – This report concludes that the proposal as submitted complies with the relevant conditions attached to the outline permission in terms of noise and vibration.

Car Park Management Plan – This documents details how parking will be allocated and managed on site to ensure that no adverse impacts are seen on the local highway network.

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 Industrial and Business purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy

SC19 Green Infrastructure

CS20 Biodiversity and Geodiversity

CS24 Conserving and Enhancing the Water Environment

CS25 Dealing with Flood Risk

CS21 Landscape

CS27 Community Health and Safety

CS28 Sustainable Design

SP16 Land Identified for Industrial and Business Uses

SP26 Sustainable Transport for Development

SP32 Green Infrastructure and Landscape

SP33 Conserving and Enhancing the Natural Environment

SP35 Protected and Priority Species

SP47 Understanding and Managing Flood Risk and Drainage

SP52 Pollution Control

SP54 Contaminated and Unstable Land

SP55 Design Principles

SP56 Car Parking Layout

SP57 Sustainable Construction

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

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

Publicity

The application was originally advertised by way of a press notice, site notices erected around the site and individual letters were sent to the occupiers of nearby properties and to those who previously objected to the outline application. 170 objections and 5 letters of support were received to the initial round of publicity.

Amended and Additional plan were submitted and these were re-publicised by way of press notice, site notices erected around the site and individual letters were sent to all objectors. 138 further objections and 1 representation in support have been received as a result of this. An objection has also been received from Bramley Parish Council

Objections have been received on the following grounds –

- The development will be an eyesore, loss of views and open space
- The development is too big and not in scale with the area, especially in relation to dwellings on Bateman Road, Cumwell Lane and Ridgeway Close
- The development is not sympathetic being industrial in design and dark in colour
- The buildings will take away privacy and light and be overbearing
- 24 hour operations would be a permanent negative impact to the quality of life of local residents
- The buildings are too high
- The raised platform the building is to be located on will give the building and elevated position which will dominate the local community.

- The mitigation planting will not be sufficient to contain noise and air quality pollution until fully mature, which will lead to a worsening of the environment in the short term.
- There is the capacity for too many HGV vehicles to use the site
- The acoustic fencing should go further along the boundary and are they compliant EU regulations to reduce noise.
- Increase noise and light pollution
- The noise from the development will impact horses close to the site-how will it be screened
- Increase flood risk and impact on natural watercourses and aquifer, how will surface water be dealt with
- It may be empty for years once built
- Metal fencing along boundary to protect from noise are a concern and will be unsightly
- Submitted documents regarding watercourses are incorrect and the development could lead to them being contaminated and impacting on drainage of the site
- Increase planting should be provided to screen from noise, air and light pollution to Cumwell Lane
- Will the provision of the acoustic barrier lead to acceptable noise levels
- Additional acoustic barriers should be provided
- Mitigation measures proposed will not stop an adverse impact on local residents
- As there is no end user working patterns are not known
- Concerns about how noise levels have been assessed in the Noise Report
- Proposal does not comply with policy and so the principle of development has not been satisfactorily established
- Residents who live opposite have been given zero consideration, and quality of life will be destroyed.
- The original outline application was not robust
- The development does not protect health and the environment of the community
- Traffic issues from this site and other nearby sites
- Highway Safety Issues and traffic fatalities locally
- Adverse Health impacts
- Impacts on Air Quality and increase pollution
- Loss of Green Belt land, trees and open aspect
- There are vacant units close by that could be occupied in stead
- No need for another HGV wash as there is already one in Hellaby
- Impact on wildlife, and local horses and dogs in the kennels
- Infrastructure cannot cope
- Decrease house prices
- Future economic benefits outweigh health impacts of local community
- Insufficient monitoring of watercourses, air pollution, wildlife

- Objections to the outline were ignored and there was a lack of consultation

A letter has been received from a solicitor on behalf of a nearby resident which contains objections on the following grounds –

- The applicant relies on data taken during the first Covid 19 lockdown and so does not represent normal conditions.
- A previous right turn lane caused tailbacks 20 years ago
- The mini roundabout used to access Cumwell Lane is extensively damaged
- Cumwell lane is already very busy and permission has already been granted for increased traffic to and from Thurcfoft Colliery, which has caused danger and recent fatal accident at the site entrance.
- The road surface is damaged and uneven causing excessive noise and disturbance increased air pollution, harmful to the residents amenity
- The use of lights to open up the right turn into Cumwell Lane will not result in safe traffic management and will result in a cumulative impact on road the road network that will be severe contrary to Paragraph 111 of the NPPF.
- The proposal will not promote health or well being or a high standard of amenity contrary to NPPF paragraphs 126 -130

Bramley Parish Council objected on the following grounds –

- Increased HGV and vehicles on Flash Lane and Sandy Lane, therefore request traffic calming measures be provided along Flash Lane.
- Impact on openness and greenspace
- Overdevelopment of the site
- The planting is not sufficient to screen the development
- Traffic will increase beyond what has been laid out in the application
- The large number of HGV parking spaces, along with other developments will increase traffic and the road layout will not be sufficient to accommodate it
- Working 24 hours a day will unfairly impinge on the amenity of resident in the area

5 letters of support have been received on the basis that the development will bring jobs to the area

The applicant and one objector have requested the Right to Speak at the Planning Board meeting

Consultations

RMBC – Transportation Infrastructure Service raise no objections to the proposal

RMBC – Landscape raise no objections to the proposed development subject to conditions

RMBC – Environmental Health (General) Raise no objections subject to recommended conditions

RMBC – Environmental Health (Air Quality) Raise no objections subject to recommended conditions

RMBC Drainage Raise no objections to the development

RMBC – Ecology Raise no objections to the proposed development

The Environment Agency raise no objections

Highways England raise no objection

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.

This application is a reserved matters application to assess the matters reserved in the determination of the outline application (RB2018/1225 and subsequent variation RB2021/1506). Whilst the outline application only specifically considered the principle of the development and the proposed access to the site concerns raised at the time of the outline application by local residents and groups in terms of ecology, flooding, air quality, noise, light pollution etc were given consideration.

A reserved matters application as stated in the National Planning Practice Guidance 'Making an Application' relates to those aspects of a proposed development which an applicant can choose not to submit details of with an

outline planning application (i.e. reserved for later determination). These are defined in article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

The outline application (RB2018/1225 and subsequent variation RB2021/1506) provided a detailed consideration and assessment of the principle of developing this site for industrial/warehousing use which was considered acceptable on this allocated site. Therefore, from a land use perspective the use of the site for an industrial/warehousing use was deemed to be acceptable at the outline stage. Accordingly, the principle of this development cannot be revisited during the determination of this reserved matters application.

Similarly, the issue regarding access to the site and associated highway matters including highway safety, infrastructure capacity, noise and air quality derived from vehicles accessing the site and their impact on health and amenity were fully assessed and considered acceptable and as such cannot be revisited in this application.

Additionally, the issue regarding the reallocation of the site for industrial and business use and its removal from the Green Belt was fully considered during the Local Plan process and is not a matter for consideration as part of this reserved matters application.

Many objections have been received relating to the above matters, as well as objections stating that the submitted information submitted with the outline application was not robust and so the outline permission is not satisfactory and should be re-assessed. All these objections were considered at the

outline application stage or are not material as the outline planning permission is a valid planning permission.

Therefore, taking into account the above the main considerations in the determination of the application are:

- Design Issues - Layout, Scale and Appearance
- Internal Access Issues
- Landscape and Ecology
- Drainage and Flood Issues
- General Amenity Issues
- Issues Raised by Objectors

Design Issues -Layout, Scale and Appearance

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.”

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

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

The NPPF at paragraph 126 states, in part, that: “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*” Paragraph 134 adds, in part, that: “*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.*”

Having regard to the layout of the proposed development, this is similar to the indicative layout plan submitted with the original outline permission where as the site contains two buildings the largest one located on the central and

southern part of the site with the smaller unit located to the north of the site. One of the differences is the orientation of Unit A to the north of the site. The outline indicative plan showed this unit having its shortest elevation along Cumwell Lane, however this application shows a building with a longer elevation along the Cumwell Lane frontage.

During the application process the applicant was requested to investigate re-orientating this unit so that the elevation along Cumwell Lane was reduced in length. As a result, the applicants responded that *“from an occupiers perspective, our proposed layout ensures that entry to the service yard is at the end of the yard, rather than opposite the loading area. This avoids a conflict with loading manoeuvres and the potential for consequential traffic congestion trying to access the unit. Our proposal provides a longer service road to assist with vehicle queuing and highway safety. It also provides a better proportion of width to length ration favoured by many occupiers and the deeper yard allows for a generous number of HGV parking spaces opposite the loading bays”*.

However, in response to the Local Planning Authorities request the applicant has amended the plans to pull the unit back to the building line envisaged in the illustrative plan submitted with the outline, which moves the elevation of the building approximately 7m further away from Cumwell Lane than that originally proposed, as well as reducing the overall length of the Cumwell lane elevation by 7m. Whilst the applicant hasn't reorientated the building as requested by the Local Planning Authority the amendments that they have proposed allow for a greater area in which to provide a deeper landscaping belt and the provision of higher bunding between the Unit and Cumwell Lane.

In this regard the amended plans also include section plans and photomontages at year 1 and 15 which show the details of bunds and planting proposed to screen the proposed development. After assessing the amended plans, it is considered that the set back by 7m from the Cumwell Lane frontages, enables the provision of landscaped bunds of 2-3m in height along the site boundary which enhance the level of screening when viewed from Cumwell Lane and the residential properties located closest to Unit A. The section plans also demonstrated the 25 degree line which is complied with.

The design of the building is in line with the nature of the industrial end use proposed and is considered to be modern and functional. The materials of the building have been amended from the original dark grey to incorporate a lighter palette of colours which is considered to reduce the impact of the building when viewed against the skyline. The contrast in colours of material has been proposed to give some relief and interest the relatively large elevations.

In relation to Unit B, this is located in roughly the same location as shown on the indicative outline plan, although parking and servicing facilities differ. This proposal shows the car parking area for Unit B located centrally within the site which HGV parking facilities shown along the eastern side of the site along the Cumwell Lane side of the site. The building has service yards either side

of the unit with loading bays. In additional details included in this reserved matters application indicate changes to land levels at the site which impact the view of Unit B from Cumwell lane and also the M18. There is no proposal to import any material onto the site, however in order to provide level buildings and service areas cut and fill is proposed across the site. In this respect the floor level of the building/service yard would be raised by up to approximately 4m in some places along Cumwell Lane, at a distance of approximately 10m from Cumwell Lane.

The building is very large in scale with a long elevation facing both Cumwell Lane and M18. As noted, in regards to Unit A, Unit B also reflects the nature of the use proposed end use in terms of its layout, scale and appearance. The same materials are proposed as for Unit A and the colours are again used to give some detailing and relief to the elevations.

A bin store and cycle shelter are proposed in the service yard of each unit. The site currently has a stone wall along sections of the boundary with Cumwell Lane which is a feature in this location. The Outline application requires the provision of a 3m wide footway/cycle way along the Cumwell Lane Boundary however after further investigations it has been established that it will not be possible to provide the required width whilst retaining the remaining sections of all in situ. With this in mind the applicant is proposing to retain and re-use the stone in a replacement wall and or feature on part of the application site. As the developer is unsure of the amount and quality of stone that will be retained, it is considered appropriate to attach a condition requiring the details of a scheme to reuse the stone to be submitted and approved by the Local Planning Authority.

Having regard to the above, it is considered that the scheme has been amended to take into account comments made by the Local Planning Authority, and whilst Unit A still has a longer elevation than the one shown on the indicative plan at outline stage, it has to be noted that that plan was indicative only and as such the acceptability of the layout, appearance and scale of this proposal has to be considered on its own merits. It is considered that the plans and site sections submitted with the application demonstrate that the proposal is acceptable in terms of layout, scale and appearance when considered alongside proposed landscaping and bunding to the eastern and southern boundaries, which will provide substantial visual screening to the buildings and associated service yard and vehicle parking areas.

Objections have been received in relation to the size of the buildings and that their scale and mass is not in scale or sympathetic to the adjacent residential properties, many of which are single storey only. However, the site is allocated for Industrial and Business use in the local Plan, not residential as the adjacent dwellings are, and as such the type of buildings that are to be provided on the site have to be appropriate for such an end use. An objection in relation to the dark colour of the buildings has been addressed as the pallet of materials has been amended to significantly lighter colours as requested by the Local Planning Authority. Whilst it is acknowledged that the buildings are

large in terms of scale and mass, it is considered that their amended positioning within the site, proposed design and amended external finishes along with the significant bunding and landscaping are appropriate for such commercial buildings on an allocated site, and that the design of the proposal is one that is acceptable and would satisfy the relevant design policies and guidance of the NPPF and Core Strategy policy CS28 'Sustainable Design', Policy SP55 'Design Principles' and SP57 'Sustainable Construction'.

Internal Access Issues

As noted above the impact of the development on the local highways and strategic highway network (M18) as well as the access points into the site off Cumwell Lane have been assessed by the Councils Transportation Infrastructure Service and Highways England and approved as part of the outline permission and cannot be revisited as part of this reserved matters application. The only transportation issues that are to be considered as part of this application are those relating to vehicular, pedestrian and cycle access issues within the site itself.

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

- a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*
- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;*
- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access."*

A Car Parking Management Plan has been submitted with the application at the request of the Local Planning Authority and details of cycle parking and pedestrian access have also been included.

The Councils Transportation Officer has assessed the application and notes that the reserved matters relating to Transportation to be considered are on site car parking, cycle parking and pedestrian facilities.

The Transportation Officer has noted that the car parking proposed at the site complies with the Councils standards for B1, B2 and B8 industry and that appropriate numbers of accessible, electric charging bays and cycle parking are also proposed on site.

He initially requested that pedestrian access points be provided from both Units A & B to reduce the walking distance to public transport for pedestrians. In this respect it was not considered appropriate for Unit A as the scheme includes substantial bunding and planting along Cumwell Lane frontage and the provision of a new pedestrian access would have detrimentally impacted its appearance and the mitigation it will provide. In relation to Unit B the plan has been amended to provide a more direct pedestrian link from the building out of the site.

Clarification regarding the potential for queuing of cars and HGV vehicles accessing and manoeuvring within the site was requested to ensure that the site operates effectively and that intervisibility would not be restricted was also requested. In response to this the applicants have submitted a Car Park Management Plan, this details how car parking will be allocated and managed within the site, and how HGV vehicles will operate at the site in the most efficient and effective manner. The implementation of the Car Parking Management Plan shall be secured by condition.

There have been objections to the application on the basis that the scheme has significantly more HGV parking spaces than were shown in the outline indicative plan. However, this plan was indicative only, and the amount of HGV parking spaces proposed as part of this application are considered appropriate on the site and internal manoeuvring and parking areas are adequate to cater for the numbers proposed.

Taking all the above into account, the Council's Transportation Infrastructure Service have no objections to the internal transportation infrastructure as proposed in the application. Accordingly, the development accords with the provision of policy SP26 'Sustainable Transport for development'.

Landscape Considerations

Policy CS19 "Green Infrastructure" states, in part, that: "*Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas...Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below –*

d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites."

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

including long term landscape maintenance for the lifetime of the development.”

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

Landscape is one of the reserved matters to be considered within this application, and the outline permission also included a condition which required the submission of advanced structure planting to provide screen planting to boundaries particularly in the areas adjacent to residential properties in the Bateman Road and Sandy Lane areas. The planting scheme proposed contains significant planting strips along the boundaries of the application site, with bunding in areas to the north east and south of the site. The planting is to include a mixture of species to ensure that the scheme provides screening all year around, and a mixture of planting sizes to offer variety and interest in the scheme.

The Councils Landscape Design Team have been consulted on the application and have noted that the original Landscape & Visual Appraisal submitted with the outline planning applications stated that: *“Whilst development of the site would result in an inevitable change in character from a number of arable field to commercial built form, the site is already influenced by urban development to the north and residential buildings to the north east, and is contained by vegetation to all boundaries except Cumwell Lane where new tree planting is included in the proposals.”.....“It is the professional opinion of Tyler Grange (authors of the report) that the scheme proposals located off Cumwell Lane, Hellaby are in accordance with Local Planning Policies relating to landscape and visual matters and can be accommodated within the landscape without causing undue or overly adverse landscape or visual effects.”*

The Landscape & Visual Appraisal Addendum – March 2022 submitted in support of this reserved matters application states that the changes from the outline plans to the reserve matter layouts *“will not create any conditions which lead to an increase in the level of visual effects established in the approved 2018 LVA”* and that *“The conclusions previously drawn in relation to the likely effects on landscape character and visual amenity, identified in the original LVA dated 01/08/2018 (Ref: 11665_R03_CD_MM), remain valid for the purposes of the reserved matters proposals considered in this addendum”*. It also notes that *“The changes from the approved illustrative masterplan to the proposed reserved matters layout considered in this LVA Addendum, as listed in paragraph 1.4 above, will not change the level of effect originally attributed to each landscape and visual receptor.”*

In summary the LVA and the addendum proposed that the development will lead to localised landscape and visual change, but that the design recommendations will provide a “*good contextual fit with the existing environment*”. With the above in mind the Landscape Design Officer confirms that the LVA has been produced in accordance with guidelines for Landscape and Visual Impact Assessments, and that the proposal appears to reflect the mitigation requirements and is considered acceptable from a landscape design aspect.

Objections have been received on the grounds that the bunding and planting will only provide benefits after 15 years and will result in an adverse impact on the environment in the short term and will provide minimum mitigation from noise and air quality. It should be noted that whilst a landscaped planted bund may be beneficial in terms of minimising impacts of noise and air quality, they have been required within this proposal for visual mitigation. It is acknowledged that the mitigating planting will take time to mature and provide its full affect, and for this reason the applicant has submitted photomontages indicating how these planting areas will look at year 1 and year 15. To provide maximum visual mitigation levels as soon as possible, the developer has been requested to provide some large stock trees within the planting scheme so that the larger species will have more of a visual impact sooner.

An objection has been received about the impact of the development on horses close to the site and the screening of the site was queried. In this regard, once matured the landscaping will provide a significant level of screening from views into the site.

From a landscape perspective, the amended scheme has the support of the Council’s Landscape Design Team and it is considered that subject to conditions to ensure the proposed landscape scheme is implemented in accordance with the approved details, the proposal would be in compliance with the Local Plan policies outline above. Consequently, the development accords with the provisions of Policies CS19 “Green Infrastructure, CS21 ‘Landscape’ and SP32 ‘Green Infrastructure and Landscape’.

Flood Risk and Drainage

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

“Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:
 - i. the natural geomorphology of watercourses,*
 - ii. water quality; and*
 - iii. the ecological value of the water environment, including watercourse corridors;**
- b. contribute towards achieving ‘good status’ under the Water Framework Directive in the borough’s surface and groundwater bodies*
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;*

- d. *improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,*
- e. *dispose of surface water appropriately according to the following networks in order of preference:*
 - i. *to an infiltration based system wherever possible (such as soakaways)*
 - ii. *discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)*
 - iii. *discharge to a public sewer.”*

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

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

“The Council will expect proposals to:

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

Paragraph 167 of the NPPF notes in part that: *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.”*

In respect of flood risk, the site is located within a Flood Zone 1 area as shown on the Environment Agency’s Flood Maps and as such the risk of flooding is minimal, and a Flood Risk Assessment was also submitted demonstrating how it is proposed to drain the proposed development. This states that the surface water from both Units will discharge to an infiltration basin which is located to the south of the site which has been designed with an attenuation volume for the 1:100 year plus 40% climate change storm event. Surface water runoff in excess of previous Greenfield rates will be attenuated on site prior to disposal into a watercourse or sewer. By limiting

the runoff from the proposed development to existing pre-development rates, the existing runoff regime on the site is maintained and the water body does not receive any increased flows as a result of the proposed development. Foul water will be pumped northwards into an existing combined sewer within Bawtry Road

Severn Trent have raised no objections to the reserved matters application, subject to detailed plans being acceptable to comply with the conditions on the outline which will be assessed as a discharge of condition application.

Although the application falls outside of the requirements for the consultation of the Environment Agency, due to an objection in relation to flooding, drainage and contamination to watercourses and aquifers they have provided comments on the application as the objector Hellaby Action Group also contacted them directly. As a result, they concluded that the drainage at the site is a matter for Rotherham's Drainage team as the Lead Local Flood Authority, and that they do not consider that any controls relating to the disturbance of the aquifer are necessary at this site, and therefore raise no objections to the application.

Taking the above into account it is considered that the proposed development will not impact on flood risk within the wider area and a drainage solution can be adequately provided. Accordingly, the development complies with the requirements of Policies CS24' Conserving and Enhancing the Water Environment', CS25 "Dealing with Flood Risk' and SP47" Understanding and Managing Flood Risk and Drainage'.

General Amenity Considerations

Paragraph 130(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 185 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, in part, that: "*Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.*

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial

measures will be taken to address existing problems of land contamination, land stability or air quality.”

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

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

With regard to the construction phase, a condition has previously been imposed on the outline permission requiring the submission of a Construction Management Plan before work commences on the site, and this will be assessed under the separate discharge of condition application.

In respect of the buildings proposed, it is noted that they are large commercial units which are to be located on a site which is currently undeveloped in relatively close proximity to residential properties on Bateman Road, Cumwell Lane and Sandy Lane. The outline application included a condition which limited the height of the units on the site and also required plans to include proposed finished floor levels of the buildings. On site A the condition restricts the height to 15m and on-site B to 24m. The information submitted with the application demonstrates that the condition is complied with despite the changes to the land levels and that the buildings do not exceed the maximum height stipulated in the outline permission.

Plans and section plans have also been submitted to demonstrate how the buildings sit on the site in relation to changes in land levels from the proposed cut and fill operations and have allowed the Local Planning Authority to fully assess the potential impact on residential amenity in terms of privacy and avoiding an overbearing relationship. In this respect the Section Plans shows

the 25 degree rule as detailed in the South Yorkshire Residential Design Guide from properties on Cumwell Lane/Bateman Road and Sandy Lane. It can be seen from the plans the proposed buildings are positioned well below the 25 degree lines. Additionally, in relation to privacy and overlooking issues it is noted that the closest houses on Cumwell Lane/Bateman Road are located a minimum of 42m from Unit A and as such the proposal is not considered to have a significant adverse impact on the amenity of residents in respect of overlooking, overshadowing or resulting in a loss of privacy.

The application is for industrial/warehouses uses and it should be noted that the impact of noise and disturbance from the traffic associated with the proposed development was assessed at the outline stage and was considered to be acceptable subject to conditions which were attached to the outline permission and remain valid. This issue cannot be revisited via the determination of this application.

Conditions 16 & 18 on the outline permission require applications for the approval of reserved matters to include a report on the potential for noise and vibration from industrial machinery to affect neighbouring businesses or residential properties. This reserved matters application is accompanied by a Noise and Vibration Assessment, which has been amended through the application process.

The report recommended mitigation in the form of a 1.8m high acoustic barrier on the corner of the boundary of Unit A close to the central entrance into the site, as with this in place noise rating levels from the proposed operations are predicted to be up to +3 dB above existing background noise levels at the closest sensitive receptor locations. The report demonstrated that with the mitigation proposed the development complies with the condition on the outline in terms of noise from the development.

Through the application process the Local Planning Authority requested the applicant to provide an additional section of an acoustic barrier along the eastern boundary of the site close to the northern end of Unit B. It should be noted that this section of fencing is NOT required to make the development acceptable in terms of noise generation, however it is considered that its provision would reduce noise levels further and be beneficial in terms of general amenity. The applicant agreed to provide the additional acoustic barrier and an amended the report and plans were submitted to show this further section of acoustic fencing on part of the eastern boundary close to Unit B.

An objection has been received about the appearance of the acoustic barrier; however, the proposal includes details that it will be a timber fence constructed to a specification to provide the relevant acoustic qualities. It is therefore considered that this timber fence will not be visually detrimental in the areas it is proposed. A further objection has been received requesting that further acoustic fences should be located close to the northern car park, the Environmental Health Officer did not raise this as an area where one would be of benefit and as such one has not been requested in this area.

A further objection has been raised regarding how noise levels have been assessed in the noise report, and that how can it be carried out without knowing the end user the uses and the proposed shift patterns. In this respect the outline still has a valid condition which limits the noise levels from the development, and this will still be valid as the development proceeds and is brought into use to ensure that those levels are not exceeded.

In terms of vibration the report confirms that with the inclusion of management strategies, it is considered that that the impact of vibration due to construction of the development is insignificant at the nearest receptors. Vibration limits have been set to control the level of vibration experienced at the nearest sensitive receptors to ensure no impact occurs. Mitigation in the form of a Vibration Management Plan, which includes a variety of controls and on-going monitoring which should be implemented to ensure that any vibration remains within acceptable limits. A condition requiring that the Vibration Management Plan is followed will ensure that both construction and operational vibration is suitably controlled.

The Environmental Health Officer has assessed the submitted information which has been amended through the application process and has confirmed that although it was accepted that the original noise barrier would provide sufficient noise reduction to nearby noise sensitive premises to be acceptable, the addition of the extra acoustic barrier is welcomed to provide further noise mitigation.

A condition on the outline permission also required the submission of a lighting report and plan. This has also been amended through the process at the request of the Environmental Health Officer to reduce the number and height of the lighting poles proposed and to ensure that lights are hooded to direct light downwards to avoid backward light spill to ensure that the lighting scheme is appropriate for the location of the site, adjacent to residential properties as well as areas of biodiversity interest.

Whilst the issue of Air Quality was assessed at the outline stage a condition was attached to the outline permission requiring the details of a scheme to provide electric vehicle charging points as part of this application. These details show that 99 electric vehicle charging points are to be provided, and the scheme will also provide passive ductwork to provide 100% Electric vehicle charging points in the future. This provision is slightly over the 20% of Electric vehicle spaces required, and the passive ductwork is also provided in accordance with the adopted Supplementary Planning Document 2 'Air Quality and Emissions'. The Councils Air Quality Officer has assessed the application and raises no objections.

In consultation with the Council's Environmental Health Officers, the proposed development is considered to be acceptable and will not give rise to any significant loss of amenity in respect of noise, vibration and light pollution. As such the development accords with the provisions of Policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

Telecommunications

A condition was attached to the outline permission which required the submission of details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development.

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

The application was accompanied by a letter from the provider confirming that the development will have access to full fibre infrastructure technology 'Fibre to the Premises', and the applicant has stated that it will be installed at the site within 6 months of occupation. Super Fast South Yorkshire have assessed the information and are happy with the proposal for the site.

Conclusion

Having regard to the above it is concluded that subject to conditions the proposed development would raise no issues and would comply with the requirements of the relevant local planning policies and the provisions of the NPPF. Accordingly, the application is recommended for approval

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. Condition numbered 10 of this permission require matters to be approved before development works begin; however, in this instance the condition is 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 number 10 are fundamental to the acceptability of the development and the nature of the further information required to satisfy this condition is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

The development hereby approved must be begun no later than 26th November 2025 (5 years from the original outline approval).

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to comply with the conditions of the outline application RB2021/1506

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)

- Location Plan 21137 P0001 Rev A
- Site Master Plan 21137 P0002 Rev P
- Site Constraints Plan 21137 P0003 Rev A
- External Hard surface Finishes Plan 21137 P0004 Rev D
- Proposed Site Sections (1 of 3) 21137 P0006 Rev G
- Proposed Site Sections (2 of 3) 21137 P0007 Rev F
- Proposed Site Sections (3 of 3) 21137 P00011 Rev D
- Fencing Details 21137 P0008 Rev G
- Access Plan 21137 P0010 Rev A
- Electric Vehicle Duct Provision Plan 21137 P0012 Rev C
- Unit A Site Plan 21137 P0100 Rev E
- Unit A Building Plan 21137 P0101 Rev C
- Unit A Office Plans 21137 P0102 Rev C
- Unit A Roof Plan 21137 P0103 Rev C
- Unit A Elevations 21137 P0104 Rev C
- Unit A Cycle Shelter Details 21137 P0110 Rev A
- Unit A Bin Store Details 21137 P0111 Rev A
- Unit B Site Plan 21137 P0200 Rev E
- Unit B Building Plan 21137 P0201 Rev C
- Unit B Office Plans 21137 P0202 Rev B
- Unit B Pod Office Plans 21137P0203 Rev B
- Unit B Roof Plan 21137 P0204 Rev B
- Unit B Elevations 21137 P0205 Rev D
- Unit B Cycle Shelter Details 21137 P0210 Rev B
- Unit B Bin Store Details 21137 P0211 Rev B
- Unit B Gatehouse Details 21137 P0212 Rev C
- Preliminary Levels and Retaining Walls 7395-MJM-00-00-SK-C-1252 Rev P13
- External Retaining Walls 7395-MJM-00-ZZ-DR-S-9050 Rev P4

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details shown on the approved proposed elevation plans for each unit/structure listed in Condition 02. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

Prior to the erection of any retaining walls details of their location, appearance and materials to be used in their construction shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented on site.

Reason

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

HIGHWAYS

05

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

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

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

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

Reason

In the interests of Highway Safety

06

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

Reason

In the interests of Highway Safety

07

The Framework Parking Design and Management Plan dated 8th April 2022 shall be implemented at the site for the lifetime of the development.

Reason

In the interest of highway safety.

LANDSCAPE

08

Landscaping of each unit as shown on the approved plans, listed below, shall be carried out during the first available planting season after commencement of each unit.

- Landscape Concept Plan 2160/21-02 Rev L
- Landscape Cross Section (Sheet 1 Of 2) 2160/21-21 Rev D
- Landscape Cross Section (Sheet 2 Of 2) 2160/21-22 Rev C
- Detailed Planting Plan (Sheet 1 of 3) 2160/21-03 Rev C
- Detailed Planting Plan (Sheet 2 of 3) 2160/21-04 Rev C
- Detailed Planting Plan (Sheet 3 of 3) 2160/21-05 Rev D
- Tree Pit Details Double stake 2160/21-11 Rev A
- Tree Pit Details Multi-stemmed 2160/21-12 Rev A
- Tree Pit Details Coniferous 2160/21-13 Rev B
- Tree Pit Details 2160/21-15 Rev A
- Soft Landscape Specification 2160-21-SP02A
- Soft Landscape Works Maintenance & Management Proposals 2160/21-RP01A

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

Reason

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

09

Prior to the commencement of soft landscape works details of any required stabilization, methodology for planting on the newly created bund, ground preparation details, planting and maintenance for the bund area shall be submitted to and approved by the Local Planning Authority. Any plants or trees which within a period of 5 years from completion of the bunding areas die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year. The site shall not be occupied until the approved works have been completed.

Reason

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

10

No operations (including initial site clearance) shall commence on site in connection with development until a Tree Protection Plan** in accordance with BS5837* has been submitted and approved by the local planning Authority. This should detail all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.

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

- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Protection/retention of levels within the root protection areas.
- Details of the arboricultural supervision schedule.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Timing and phasing of works

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

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with relevant Local Plan Policies

AMENITY

11

Prior to each unit first being brought into use the section of Acoustic Barrier to be provided at each unit shall be provided in accordance with the details contained in the Noise & Vibration Assessment dated 7th April 2022, and indicated on the Fencing Details Plan Ref. 22137 P0008 Rev G. The acoustic barrier shall be retained, maintained and fit for purpose through the lifetime of the development hereby approved.

Reason

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

12

The Vibration Management Plan included as Appendix B of the Noise & Vibration Assessment dated 7th April 2022 shall be implemented and complied with throughout the construction phase of the development hereby approved, and the operational phase of the development for the lifetime of the development, as indicated below -

1. Prior to the commencement of the development details of the following shall be submitted to and approved by the Local Planning Authority and provided on site before the development is commenced –
 - Public liaison committee and helpline
 - A display Board to be erected with contact details for key personnel etc
2. Prior to the occupation of the site details of baseline monitoring as outlined in the Vibration Management Plan shall be submitted and approved by the Local planning Authority.
3. Six months after each unit is brought into use a post-occupation vibration monitoring report shall be submitted to and approved by the Local Planning Authority as outlined in the Vibration Management Plan and any recommendations/mitigation implemented.
4. If any further mitigation is required a post mitigation report demonstrating compliance shall be submitted and approved by the Local Planning Authority

The Vibration Management Plan shall be reviewed bi-annually, or as often as required which is to be agreed with the Local Planning Authority.

Reason

To ensure that that any vibration remains within acceptable limits in the interest of residential amenity in accordance with relevant Local Plan policies.

ENVIRONMENT

13

The fastcharging electric vehicle charging points and passive ductwork infrastructure for future electric vehicle charging points shown on plan Ref. 21137 P0012 Rev Cand in the submitted Charger Details shall be provided for each unit prior to that unit being brought into use, and shall be retained on site throughout the lifetime of the development

Reason

In the interest of sustainable development.

14

Within 3 months of practical completion of each unit a post construction BREEAM Assessment shall be submitted to demonstrate that each unit has achieved BREEAM Very Good rating as identified in the submitted pre-assessment reports.

Reason

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

COMMUNICATIONS

15

Within six months of each unit being occupied 'Fibre to the Premises' (FTTP) to provide gigabit-capable full fibre broadband shall be installed in each unit.

Reason

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

16

Prior to the commencement of soft landscape works, details of how the stone salvaged from demolition of the stone boundary wall on the Cumwell Lane frontage will be re-used within the development along with a timetable for its provision shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented on site in accordance with the approved timetable and shall be retained on site for the lifetime of the development.

Reason

In the interest of visual amenity of the locality and in accordance with Local Plan policy.

Informatives

01

Wildlife Legislation

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.

Environment Agency – Fuel Storage

General principles of pollutant storage and transmission

You must design and maintain storage and transmission facilities, such as tanks, lagoons and pipework, in such a way that hazardous substances are prevented from being released to the environment and the input of non-hazardous pollutants to groundwater is limited so as to not cause pollution. The Environment Agency expects operators to adopt appropriate engineering standards, taking into account the nature and volume of materials stored and the sensitivity of the groundwater.

For petrol filling stations, systems should meet the specifications within the accepted industry standards in design, construction and operation (Blue Book). Where the Environment Agency judges there to be an unacceptable risk to groundwater from the storage of pollutants or their transmission through associated pipework, it will normally oppose such storage or transmission. If other material planning considerations determine that the development should proceed, the Environment Agency expects best available techniques (BAT) to be applied. Where storage already exists the Environment Agency will work with operators to assess and if necessary mitigate the risks to groundwater, with an aim to meet the objective set by this position statement. Re-use of existing facilities for new applications must be accompanied by a thorough assessment to demonstrate that the facilities are adequately designed and fit for purpose for the proposed new use, and that there will be no unacceptable input of pollutants to groundwater.”

Environment Agency - Site- reprofiling

We would expect the developer to refer to the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2). This provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste.

POSITIVE AND PROACTIVE STATEMENT

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