

Case Number	20/03919/FUL (Formerly PP-09167801)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a food store (Use Class E) with associated access, parking and highway improvement works to Rotherham Road and Retford Road
Location	2 Rotherham Road Handsworth Sheffield S13 9LL
Date Received	09/11/2020
Team	City Centre and East
Applicant/Agent	Urbana Town Planning
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents published 24.12.2021:

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2001 - A3 - Rev C1 (Site Location Plan)

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2002 - A3 - Rev C2 (Existing Site Plan)

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2003 - A3 - Rev C8 (Proposed Site Plan)

Drawing no. 7320 - SMR - 00 - XX - DR - A - 2005 - A3 - Rev C7 (Site Sections)

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2004 - A3 - Rev C7 (External Works and Boundary Treatment)

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2008 - A3 - Rev C2 (Proposed Ramp and Stepped Access)

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2101 - A3 - Rev C2 (Proposed Floor Plan)

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2102 - A3 - Rev C1 (Proposed Roof Plan)

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2103 - A3 - Rev C3 (Proposed Elevations)

and:

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2006 - A3 - Rev C1 (Demolition Plan) published 09.12.2020

Drawing no. ORH01 (Tree Survey) published 09.11.2020

Drawing no. ORH02 (Tree Constraints Plan) published 09.11.2020

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

4. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

5. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

7. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

8. No development shall commence unless the intrusive site investigation works described in the coal mining risk assessment produced by CoDa Structures, dated 07.09.2020 have been carried out as recommended and a report of the findings arising from the intrusive site investigations is submitted to and approved by the Local Planning Authority. Where the investigations indicate that remedial works are required, a scheme of remedial works shall be submitted to and approved by the Local Planning Authority before the development commences and thereafter the remedial works shall be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

9. No development shall commence until a revised 'Tree Protection Plan' providing full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

10. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

11. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

12. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 10 litres per second.

Reason: In order to mitigate against the risk of flooding.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

14. Prior to use of the development hereby permitted commencing, a Delivery Management Plan (DMP) shall be submitted for written approval by the Local Planning Authority. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable. All commercial deliveries then shall be carried out in accordance with the noise mitigation procedures and controls, as set out in the approved DMP.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

15. The Developer shall use reasonable endeavours to ensure that any identified end-user of any phase of the development shall, in collaboration with Talent Sheffield, produce a detailed Inclusive Employment and Development Plan,

designed to maximise opportunities for both immediate and on-going employment from the operational phase of development. The plan shall be submitted to and approved in writing by the Local Planning Authority.

The Plan shall include detailed implementation arrangements, with provision to review and report back on progress achieved, via Talent Sheffield, to the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for Sheffield from the operational phase of the proposed development.

16. No externally mounted and/or fixed plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority. All plant shall be specified to have noise output levels in accordance with the recommendations of the approved Noise Assessment Report (ref: 4442-R1, dated 06.01.2020, prepared by Clover Acoustics) with a cumulative rating level not exceeding 33dBA at any sensitive residential window.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

17. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

18. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

19. A comprehensive and detailed hard and soft landscape scheme for the site, which shall include the planting of new trees adjacent to the southern boundary to the rear of residential properties on Retford Road and along the north and west boundaries shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The landscaping details shall include the following details:

- Topsoil specification and depths;
- An accurate planting schedule and planting plan at 1:200 or 1:100 scale;
- A comprehensive list of species and stock specification;
- Details of planting densities and spacings;
- Individual location of specimen trees (Extra-heavy standard size) and shrubs;
- Areas of grass/wildflowers including seed mix and sowing rates;
- Maintenance schedule to ensure the successful establishment of the scheme;

- Hard landscaping details; proposed levels, surfacing materials, walls, fencing and street furniture; and
- Boundary treatments.

Reason: In the interests of the visual amenities of the locality.

20. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

21. Prior to that part of the development commencing, full details of an alternative 'no-dig' construction method to be used to where construction will be within the root protection zone of any retained tree or proposed tree shall have been submitted to and approved in writing by the Local Planning Authority and thereafter the alternative construction method shall be implemented in accordance with the approved details.

Reason: In order to protect the tree roots of retained and proposed trees.

22. Details of all suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellinghouses and apartments shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality.

23. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

24. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: Prevent pollution of the water environment.

25. Prior to above ground works commencing, full details of the proposed lighting scheme for the whole site shall be submitted to and approved in writing by the Local Planning Authority and the proposed lighting scheme shall be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of visual and residential amenity.

26. Before above grounds works are carried out, all biodiversity enhancement measures recommended in the Preliminary Ecological Appraisal prepared by Weddle Landscape Design, dated October 2020 (published 09.11.2020) and Bat Survey prepared by Witcher Wildlife Ltd, Ref no. 200926, dated 28.09.2020 and including the following inclusions shall be set out in a Biodiversity Enhancement Management Plan (BEMP) or a Landscape Ecological Management Plan (LEMP) and submitted to and approved in writing by the Local Planning Authority and thereafter implemented and maintained in accordance with the BEMP/LEMP:

- Tree, shrub and hedgerow planting - to comprise a diverse selection of locally appropriate native species and climate-change resilient species
- Retention of good quality tree specimens as much as is practicable
- Green or brown roof
- Bat boxes - 3x to be incorporated into the fabric of the building
- Bird boxes - 3x to be incorporated throughout the site, sited either on the main building or within the trees
- Lighting - a sensitive lighting scheme that avoids excessive upward/outward light-spill and avoids illuminating boundary trees and shrubs
- Felled trees to be utilised on site as deadwood 'habitat piles' within the landscaping scheme.

Reason: In the interests of biodiversity.

27. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the opening of the food store and the proposed food store shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

- Rotherham Road/Retford Road (provision of signal control)
- Creation of vehicular access into the site from Orgreave Road

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

28. The proposed food store shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

29. The proposed food store shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

30. Within 3 months of the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.
The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield and Core Strategy Policies.

31. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the proposed food store shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield Development Framework Core Strategy.

32. The proposed food store shall not be used unless the sight line, as indicated on the approved plans, has been provided. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

Reason: In the interests of the safety of road users it is essential for these works to have been carried out before the use commences.

33. The proposed food store shall not be used unless provision has been made

within the site for accommodation of delivery/service vehicles in accordance with the details provided in the Transport Statement prepared by CoDa Transportation, project no. 7951, dated 22.09.2020 (published 09.11.2020). Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

Other Compliance Conditions

34. No amplified sound shall be played within the commercial use hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

35. No customer shall be permitted to be on the premises outside the following times: 08:00 to 22:00 hours on any day

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

36. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0800 to 2300 Mondays to Saturdays and between the hours of 1000 to 1600 on Sundays and Public Holidays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

37. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0800 to 2100 Mondays to Saturdays and between the hours of 1000 to 1800 on Sundays and Public Holidays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

38. The proposed development shall be carried out in accordance with the details shown in the submitted report 'The Flooding & Drainage Assessment' prepared by CoDa Structures, dated 21.09.2020.

Reason: In the interests of satisfactory and sustainable drainage.

39. The existing landscaped areas within the site shall be retained and protected from construction activity. Any damage during construction / demolition works shall be made good by reinstating to the condition/appearance prior to the commencement of the works.

Reason: In the interests of the visual amenities of the locality.

40. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation

Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

3. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

4. You are required as part of this development, to carry out works within the public highway: as part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

notice being issued and any works on the highway being suspended.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

5. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349
Email: james.burdett@sheffield.gov.uk

6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Although it is unlikely that bats will be encountered, it is recommended that contractors are aware of the level of legal protection and what to do if a bat is found:

All bat species and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and by The Conservation of Habitats and Species Regulations 2010 (as amended). In the unlikely event that a bat is found all work should cease immediately and the bat should be covered and protected from any harm. Contact the appointed ecological consultant for further advice.

7. The applicant is advised that the signage indicated on the submitted drawings is not approved as part of this permission and will require separate Advertisement Consent. To discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Control Section, Development Services, on Sheffield (0114) 2039183 or go to www.sheffield.gov.uk/in-your-area/planning-and-city-development
8. All drainage must be passed through a suitable petrol/oil interceptor prior to discharge from the site. These matters will be covered in the Building Act submission.
9. Yorkshire Water has advised that a 9 inch cast iron water main currently runs

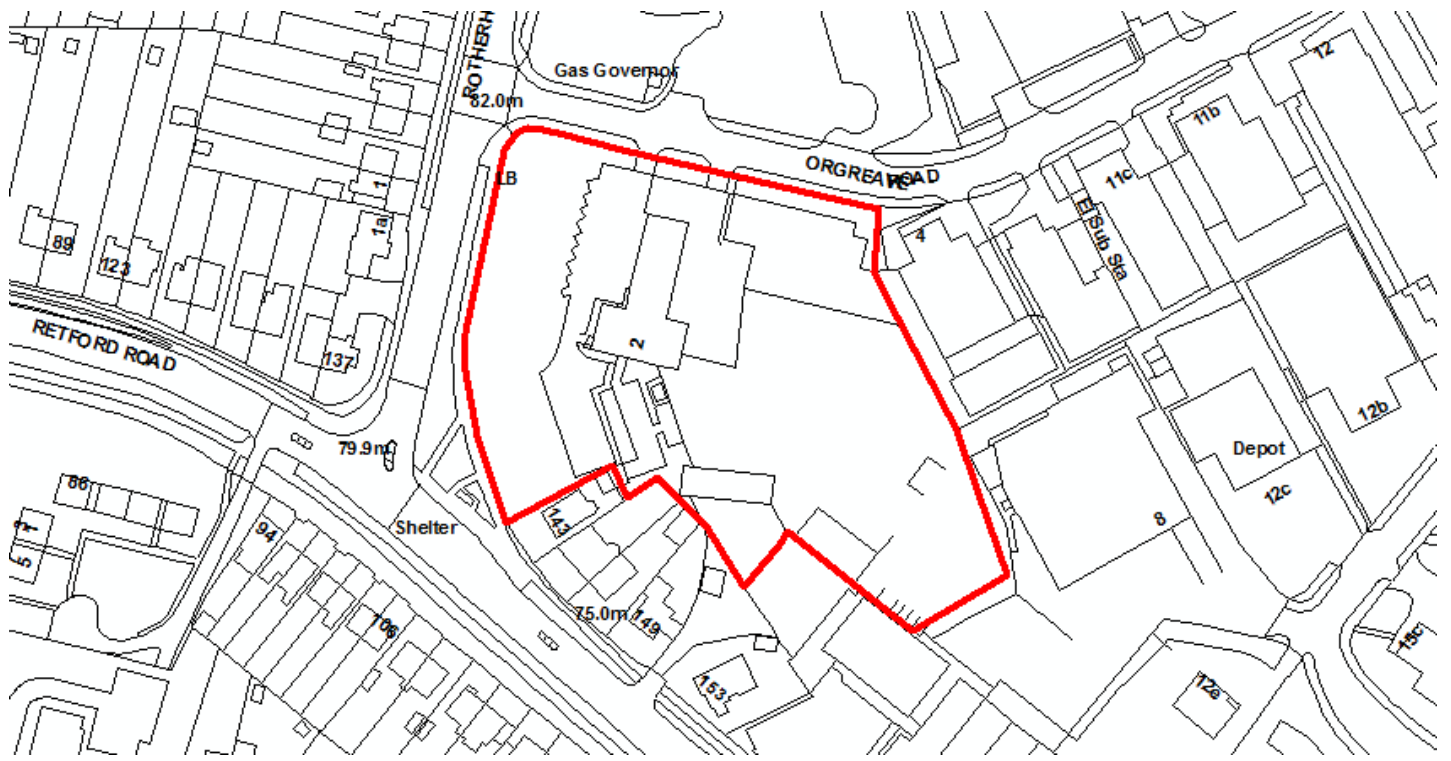
down the grass verge on Rotherham Road, which may be affected by the proposed new road layout and will need to be assessed accordingly.

10. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
- Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
 - Details of site access & egress for construction traffic and deliveries.
 - A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

11. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
12. In considering and devising a suitable Delivery Management Plan, useful reference may be made to the Department for Transport 2014 guidance document "Quiet Deliveries Good Practice Guidance - Key Principles and Processes for Freight Operators". Appendix A of the document provides general guidance, along with key points for delivery point controls, and driver controls.

Site Location



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LOCATION AND PROPOSAL

This application relates to a partially redundant commercial site, measuring almost a hectare in size, which is positioned at the entrance into the Dore House Industrial Estate, at the junction of Rotherham Road and Orgreave Road. The site comprises 4 buildings, ranging from single-storey storage/workshop buildings to a five-storey office block positioned towards the centre of the site overlooking onto various hard-surfaced forecourts. There are several storage containers posited on the eastern half of the site. The office building has telecommunications masts and equipment housing units sited on its roof. The site has two means of vehicular access direct from Orgreave Road.

The site is set within a mixed commercial and residential environment, with industrial land bounding the site to the north and east and residential properties to the west opposite the site fronting onto Rotherham Road, and rear gardens of Retford Road properties to the south.

The land falls away from the west to the east such that the site is set down below Rotherham Road. Along the west edge of the site, is a designated area of open space, which is green in character, comprising a wide strip of grassland with a row of mature trees extending from the northern corner, along the Rotherham Road frontage, continuing towards the junction with Retford Road to the south. A stone wall also extends along the Rotherham Road and Retford Road frontages. The remainder of the site is enclosed by railings and metal fencing.

Full planning permission is sought to demolish all of the existing buildings to facilitate the erection a food store with a gross internal floor area of 1,939m² and a dedicated parking area. A new vehicular access is proposed from Orgreave Road and 3 dedicated routes will provide access for pedestrians. It is also proposed to carry out highway improvements works to the junction of Rotherham Road and Retford Road by creating a signalised junction, removing an existing central island and providing a right turn onto Retford Road. In the south-west corner an area of land is proposed to be used as a location for future telecommunications mast and equipment, which would be subject of a future planning application.

RELEVANT SITE HISTORY

19/03521/PREAPP – In September 2019 pre-application advice was sought to demolition the existing buildings and erect a retail unit with associated access and parking; erect a telecommunications mast with associated enclosure and equipment and alterations to Retford Road and Rotherham Road.

05/02851/FUL – Planning permission was granted in 2005 for the erection of a 3 pole mounted antennae on the roof and associated cabin equipment.

03/04476/TEL – A further application was submitted and granted for the installation of 2 pole mounted antennas on the roof of the building.

SUMMARY OF REPRESENTATIONS

The application has been advertised in the local press and following the display of site notices and neighbour notification a total of 25 representations against the scheme and 2 in support of the scheme have been submitted.

Those in support highlight the following points:

- Create jobs at a time when the economy is in difficulty
- Local employment is vital to keep an area vibrant

- The site is an eyesore giving a run-down impression
- A bright new store will improve the area and may kickstart other developments
- It is accepted that traffic volumes have increased in the area but they have everywhere and most people shop outside peak times for other traffic
- No matter what the site is used for there is likely to be additional traffic
- Support subject to the water run-off not adversely affecting the adjoining site and a recognition that there will be noise, smells and traffic associated with the existing adjoining business

Those objecting to the scheme make the following points:

Highways Issues

- A new road has never been constructed as part of the Waverley development which has led to a huge increase in traffic locally, including HGVs and LGVs, so any additional traffic would add even more detriment
- Some cars already speed on the road and create traffic danger – this will make it worse and make road conditions unsafe
- Traffic flow cannot be properly measured at this time due to the pandemic as many people are working from home
- Traffic queues on Retford Road waiting to turn into Rotherham Road are already intolerable and traffic lights will just cause more hold ups in all directions and result in longer journey times, more frustration for motorists and the potential for more accidents as a result
- We have already witnessed many ‘near misses’ with school children running across the road and we fear a fatality if traffic increases even further
- It’s impossible to turn into Rotherham Road from Orgreave Lane at peak times
- How will school children cross the road safely – there are warning signs on Retford Road of the number of children injured
- At peak times it is almost impossible to cross the road to the bus stop or post office or to get out of driveways
- The increased traffic will lead to additional air and noise pollution which is already horrific in an already congested area
- A change in the junction at Rotherham Road and Retford Road would make matters worse as it is impossible to turn left at peak times, let alone right. It would be ridiculous to introduce a right turn option (it was changed to left turn only many years ago to help traffic flow and traffic has increased massively since then)
- The traffic along Rotherham Road is amplified by being a quick route to and from the end of the parkway (A630), which is frequently backed up at the Handsworth junction, both on to the A630 and the A57, and enables users to cut out much of this and enter the M1 more easily
- Allowing traffic to turn right is likely to cause an increase in traffic Southwards along Rotherham Road from the direction of Waverley. This traffic currently turns right at Orgreave Lane and so avoids the A57/B6066 junction. This increase would in turn add to the number of vehicles using the stretch of Retford Road between Rotherham Road and Orgreave Lane, which has been noted to have been the site of close to 30 serious collisions involving pedestrians. This stretch includes bus stops for the 52 service, which is heavily used by schoolchildren and large groups of them walk along there at school opening and closing times.
- Vehicles already struggle to get into and out of the car park for One Stop and White Cross vets, a traffic increase would make it almost impossible which leads to more impatient drivers taking risks.

- With a school nearby, the children flood out at closing time and would be at more risk as they await their bus or walk home.
- The proposed road layout would simply not work. There is a reason why there isn't a right turning lane there as it stands. An adjacent bus stop, a crossing island, a pedestrian crossing not too far up the road and the fact that any vehicle turning right onto Retford Road would have to cross the path of downhill traffic (rarely abiding by the speed limit) to join the busy traffic heading east.

Pollution issues

- The noise and air pollution from delivery lorries together with extra traffic and possible anti-social behaviour that could occur if nothing is put in place to stop this, is only going to add to the already poor environment.
- As Sheffield City Council is "committed to ensure clean air across the city and improving the health and lives of its residents" and recognises that "The cause of air pollution is largely due to both road transport and industry..." it cannot logically give the green light to this application.

Amenity Issues

- Unloading of big delivery trucks adjacent to house and garden areas will cause noise and fume nuisance to gardens as well as causing sleep disturbance
- It will be impossible for adjacent residents to get out of their drives causing yet more inconvenience
- The building works will cause noise and dirt / dust to neighbours which is already a nuisance from all the nearby houses that have been built
- Traffic increases have resulted in additional traffic fumes, to the point where you can't open windows at certain times in the Summer
- The development will lead to privacy and noise issue to nearby neighbours
- No mention is made of proposed opening hours, which is a concern for site neighbours.
- Concern that the open area proposed behind houses that back onto the site on Retford Road will lead to security problems and potential burglaries. There is also a derelict area with no entry or exit point which appears to have no proposals attached to it

Other Issues

- Don't need another supermarket, totally unnecessary (already have Morrisons, Go Local, Asda, Sainsbury's, Aldi which has resulted in the closure of the local greengrocer). It would be better placed at Waverley so that there would be no need to alter road junctions and no intrusion on residents.
- The demographic using Lidl is similar to Aldi so there is no need for this development as those needs are already served. There are already two Lidl stores within 2 miles of the site
- Concerned that the original consultation in respect of the application did not go wide enough and did not cover all of those households that would be affected by the proposals.
- We need green space, new park, facilities for teenagers or a multi-purpose gym instead which would be much better for the health of the local population. You only have to look at crime in the area to see that a supermarket is not the answer
- There is already plenty of top-up shopping options locally, so another such facility is not needed and is likely to cause harm to these existing facilities

- There are no safeguards mentioned about the prevention of people using the car park after hours for the wrong reasons.
- The re-siting of the phone mast appears to be brought nearer to the residential properties. As there are mixed views on the health implications it should be sited further away.
- A more positive use of the land that will bring less traffic than a 100 capacity car park is certainly achievable.

Andrew Moseley Associates (acting on behalf of Aldi (UK))

- The trip rates used within the submitted highways information which are a Transport Assessment (TA) dated January 2021 and Additional Junction Capacity Analysis – Saturday Peak Hour dated May 2021, are considered low. The TA has underestimated the level of traffic that the development is likely to generate. On this basis, the junction capacity analysis should be revised using more appropriate traffic generation
- The sustainability plans have been prepared using as the crow flies isochrones which overestimates the accessibility of the site. The isochrones for walking and cycling should be drawn based on the local highway network rather than simply as the crow flies.
- The derived NTM adjusted TEMPRO growth factors have been provided within the TA, however, the selections that have been made within the TEMPRO software have not been provided. It is stated in the TA that they are not aware of any committed developments that should be taken account of. Given the urban location of the site it is anticipated that there is likely to be committed developments and these should be requested from the Local Planning Authority (LPA).
- There is no swept path analysis within the appendices of the TA to demonstrate that a 16.5m articulated HGV can access the site appropriately
- The proposals comprise the signalisation of the Rotherham Road / Retford Road ghost island priority T-junction. Again, no swept path analysis of the proposals has been included within the TA. The pedestrian island for the staggered crossing on the Rotherham Road arm of the junction is shown at 2.4m. The minimum width is 3m for a staggered crossing unless a departure from standard has been agreed.
- In addition, a Stage 1 Road Safety Audit of the proposed signal junction design should be included within the submitted highways information as part of the planning submission.

Planning Potential (Planning Agent) do not say who they are acting for (22.1.21 and 22.10.2021) but make the following comments:

- There are deficiencies in the highways evidence.
- Whilst the retail impact assessment now includes Waverley, it does not provide a cumulative assessment. There is an extant consent and a current application for a foodstore at Waverley which needs to be included to assess the vitality and viability impact.
- A Transport Statement rather than a Transport Impact Assessment has been submitted, yet that is what is required in this case.
- Cannot comment further until these documents are available but would like to be kept informed and given the opportunity to review additional evidence.

- RMBC agree that the 6 minutes drive catchment area utilised in the retail impact is acceptable. In terms of the overall conclusions, it is considered that the information provided shows that there would not be a significant adverse impact on planned investment or vitality and viability of Swallownest such as to justify refusal based on paragraph 90 of NPPF. However, given that Waverley has not been assessed it is not believed that conclusions can be reached regarding the impact on investment for these centres. They recommend that the impact assessment is updated to consider the impact on local centres at Waverley.
- Further information is required in order to identify whether the sequential test requirements have been satisfied. It is noted that sequentially preferable sites to meet the identified parameters are not available within or on the edge of Swallownest District Centre, and the local centre at Swallow Wood Road has been developed. They are therefore satisfied with these centres being discounted. However indicative local centres at Waverley remain to be developed. No information is provided regarding the assessment of these centres. In light of the above it is not possible to conclude that the sequential and impact test requirements set out in NPPF have been satisfied.
- RMBC therefore recommend that the impact assessment is updated to consider the impact on indicative local centres at Waverley and that further information on the sequential test is required to provide clarity regarding the centres assessed; in particular details of how the indicative local centres at Waverley have been assessed will be required.
- Should additional information not be provided then Rotherham Council would object to the application on the basis that the sequential and impact test requirements set out in NPPF (paragraphs 86 – 90) have not been satisfied.

Statement of Community Involvement

The Council, in its Statement of Community Involvement (SCI), and the Government (paras. 39 to 42 of the NPPF) encourage applicants to undertake pre-application discussions with the Local Authority and to engage with the local community and statutory and non-statutory consultees before submitting an application.

The applicants engaged with the Council's paid pre-application enquiry service and they were advised of the planning related issues in respect of this proposal.

In October 2020 the applicant consulted three Woodhouse ward councillors (Councillors Rooney, Satur and Wood) via email, introducing the proposal and inviting them to an online briefing. Cllr Rooney attended an online briefing in November 2020 and following that meeting an email was sent to all three councillors with a copy of the introductory letter to be issued to residents of neighbouring properties.

In November 2020, a total of 182 residential and business properties surrounding the site were issued with an introductory letter which included a description of the proposed development and inviting recipients to comment and ask questions either via email or telephone. A total of 10 responses were received, which included 2 calls and 3 emails expressing support for the proposal, whilst the remaining responses expressed concerns and asked questions about various aspects of the development, which the applicant responded to.

The pre-application consultation exercise is considered to broadly accord with the aims and objectives of the Council's SCI.

Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and provides the overall spatial strategy for the period of 2008 to 2026 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998.

Whilst the UDP pre-dates the NPPF, the policies should not be considered out-of-date and should be given due weight, according to their degree of consistency with the NPPF. The NPPF provides that the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given (para. 219). The NPPG provides further guidance on this but it does state that it is up to the decision-maker to decide the weight to give to the policies.

In all cases, the assessment of any development needs to be considered in light of para. 11 of the NPPF, which states that there is a presumption in favour of sustainable development. Where there are no relevant development plan policies or policies are not consistent with the NPPF, planning permission should be granted (the tilted balance) unless there are particular areas or assets of particular importance, which provide a clear reason for refusal (eg Green Belt, risk of flooding etc); or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the development.

Set against this context, the development proposed is assessed against all relevant policies in the development plan and the NPPF below.

Principle of Development

The site lies within a General Industrial Area as defined in the Unitary Development Plan (UDP) and relates to land which is largely designated as general industrial but with a portion of designated Open Space along the west part of the site. UDP Policy IB5 'Development in General Industrial Areas' permits a number of uses within such areas including small shops (no more than 280m²), offices used by the public, business (E), community facilities and institutions (Class E and F1) amongst others, with the preferred uses being general industry (B2) and warehouses (B8 excluding open storage). The proposal seeks to provide a food retail store, with a floor area of 1,939m², which exceeds the threshold of 280m² as set out in the Policy and therefore does not fall within the definition of a small retail unit. The Policy also goes on to say that other shops unless at the edge of the Central Shopping Area or a District or Local Shopping Centre are not acceptable. It is therefore the case that the proposed development will not meet the requirements of this policy.

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' permits new development provided that (a) it would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites. This approach was continued in the Core Strategy Policy CS5 'Locations for Manufacturing, Distribution/Warehousing and other Non-Office Businesses' in that such uses were identified in other established areas within the main urban area, including the Sheaf Valley (Heeley area), the Blackburn Valley and

Orgreave. These policies are consistent with para. 11 of the NPPF in that it is necessary to plan positively to meet development needs and para. 119 which requires policies and decisions to promote an effective use of land in meeting the needs for homes and other uses.

The loss of this site would not undermine the dominance of preferred uses in this area and whilst it does not accord with UDP Policy IB5 it is recognised that the proposal will create local jobs and thus promote employment within the area, which is beneficial for the wider community. The main office building has been vacant for some time now and the proposed development will facilitate the comprehensive redevelopment of the wider site. It is therefore considered that, subject to a satisfactory outcome regarding the impact of a retail use, on balance, the proposal will be acceptable in land use terms and thus, will broadly meet the requirements of the above local policies and the NPPF.

Loss of Open Space

The proposal seeks to extend further into an existing landscape buffer strip, which is designated as Open Space. UDP Policy LR5 'Development in Open Space Areas' states in part (d) that development in open space areas will not be permitted where it would make an open space ineffective as an environmental buffer; and in part (i) it would result in over-development or harm the character of an area.

The stretch of open space area functions as an environmental buffer which screens and separates the development on the industrial estate from the residential areas on the opposite side of Rotherham Road and beyond. The open space needs to be of a sufficient size to function as a landscape buffer but also to preserve its integrity as a wildlife corridor. The strip of open space along this frontage is characterised by a row of trees and grassland, laid to lawn. The current proposal will result in a reduction in the size of the landscaping strip but the retention of the majority of the tree belt.

A major part of the value and function of this landscape area in amenity and ecological terms lies in its size and the depth of natural vegetation provided against the boundary of this busy road.

Core Strategy Policy CS47 'Safeguarding of Open Space' is also relevant and it states that development of open space will not be permitted where:

- (a) it would result in a quantitative shortage of either informal or formal open space in the local area; or
- (b) It would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or
- (c) People in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or
- (d) It would cause or increase a break in the city's Green Network.

The area of open space is informal green space, which is required for visual screening and as an environmental buffer. There is no public access to the land and no informal/formal recreational facilities on it. Rotherham Road is a busy highway with no pedestrian crossings providing access to this space for the public. This part of the landscaping strip is also within the ownership of the applicant. Although there will be a reduction in the depth of this part of the open space, there will be sufficient depth remaining in order for it to continue as a functional landscaped buffer strip, and not cause a break to the green network.

The landscaping strip clearly has a landscape and ecological value, issues of which have been assessed with advice sought from the Landscape Officer and the

Biodiversity Officer. Given that it is proposed to retain the majority of the existing trees along the Rotherham Road frontage and that compensatory planting and mitigating ecological enhancements are also proposed, the measures are considered to be satisfactory, such that any harm resulting from the proposal is not considered to be significant and the balance is weighed in favour of the proposed development.

It is on this basis, that the proposed development is considered acceptable in open space policy terms and will meet the requirements of the above policies and the NPPF.

RETAIL POLICY

The proposal is for a discount food store (use class E), which is a 'main town centre use' as defined in Annex 2 of the NPPF. The store will have a gross internal floor area of 1,939m² with a net sales area of 1,248m².

The development is not located in an existing Local or District Shopping Centre and therefore it is relevant to apply UDP Policy S5 'Shop Development outside the Central Shopping Area and District Centres', which has three parts to it.

The first part of the policy relates to edge of centre development but as the proposal is in an out of centre location this is not relevant to the application.

The second part sets out four criteria under 'Other Development' but the proposed development does not fall under these criteria as it is not a small shop (defined at less than 280m²); it is not in or at the edge of a local centre; it is not in a Retail Park; nor is it part of Meadowhall Shopping Centre.

The third part of Policy S5 lists seven criteria (a) to (g), that all retail development outside the Central Shopping Area and District Shopping Centres must satisfy. Parts (a) and (b) require that the vitality and viability of the City Centre or any District Shopping Centre as a whole (and cumulatively) is not undermined. Secondly, private sector investment needed to safeguard the vitality and viability of the Central Shopping Area and District Centres must not be jeopardised by the proposal.

The other criteria (c) to (g) relate to non-retail issues which includes highways and transport, and land use issues, and are covered under the relevant sections of the report. Retail development must satisfy the following criteria:

- It would be easily accessible by public and private transport and provide satisfactory access for people with disabilities and people arriving by foot, cycle or public transport; and
- It would not have a significant harmful effect on public transport services or priority measures or on other movement on the surrounding road network as existing or, where appropriate, as proposed to be improved; and
- The traffic generated would not result in a significant increase in the number and length of customer trips; and
- It would not take up land where other uses are required nor give rise to shortages of land for those uses which are preferred; and
- It would comply with other relevant policies which in this case would be IB9.

UDP Policy S5 is not considered to be fully up to date with the sequential and impact tests set out in paragraphs 86 to 91 of the NPPF as outlined below. Policy S5 relates to the two impact tests incorporated in paragraph 90, although they are not phrased in the same manner as the NPPF and Policy S5 only applies to District Centres and the Central Shopping Area whereas the NPPF would apply the tests to all centres. Policy

S5 also has no floorspace thresholds for when an impact test is required unlike the NPPF.

In light of the above, whilst the wording of Policy S5 is out of date, given the High Court Judgement of Aldersgate/Mansfield, which made it clear that even out of date policies still remain part of the development plan and that any decision is required to assess whether the proposal accords with it, as the starting point. This means that the criteria in Policy S5 must be considered. However, Policy S5 in this instance carries less weight than the more up to date guidance set out in the NPPF and the NPPG.

Sequential Test

Paragraphs 86 to 91 of the NPPF emphasise the significance and role of town centres and in paragraph 87 it specifically requires the proposal to pass the sequential test to ensure that proposals for main town centre uses are located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 88 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The application site is regarded as an out of centre site as it is not in or on the edge of an existing centre. The site is accessible by foot and has access to a local bus service, with a bus stop sited on an adjacent footway.

Paragraph 90 of the NPPF then requires that where retail and leisure development is proposed outside town centres, an impact test is required for developments for which a trigger point of 2,500m² is set. Similar to UDP Policy S5, the impact test comprises two parts. The first relates to whether or not the proposal is likely to lead to a significant adverse impact on existing, committed and planned public and private investment in the centre or centres in the catchment area of the proposal. The second part relates to whether the proposal is likely to lead to a significant adverse impact on the vitality or viability of 'town centres' (city centres, town centres, district centres and local centres).

Paragraph 91 states that where a proposal is likely to lead to a significant adverse impact on one or more of the considerations in paragraph 90 it should be refused.

The applicant has undertaken a sequential test which has been considered by officers. In this instance, the application site is in an out of centre location so both edge-of and in-centre locations have been considered.

The purpose of the sequential test is to ensure that the suitability of more central sites to accommodate the proposal have been fully considered. The applicant has identified that the proposed development will have a 6-minute drive time catchment area. This is based on a real time drive time taking into account other variables such as traffic and average speed time. Officers concur that a 6-minute drive time catchment area is suitable for a discount food store and the assumption is that shoppers will generally travel to the retail destination that is closest to them.

The following centres were assessed as part of the sequential test:

- Darnall
- Handsworth
- Richmond Road

- Crystal Peaks
- Manor & Manor Top
- Swallownest (Rotherham)
- Beighton
- Woodhouse
- Waverley (Rotherham)
- Catcliffe (Rotherham)
- Intake

The applicant has listed selection criteria to assess the suitability and availability of sites in the catchment area of the proposal, which includes:

- size of building to accommodate 1,900m² plus or minus 10% (this is taken to mean a site capable of accommodating a building as the proposal itself is proposing a new build);
- sufficient parking and site access (this is a recognised requirement of foodstores, particularly discount foodstores, although there may be circumstances where nearby in a Centre or shared parking with another store could be achieved);
- a competitively priced rental agreement or available for purchase (there may be sites however, that are not being actively marketed at the present time but may still become available within a reasonable period);
- building must be in good condition to minimise fit out/refurbishment costs (not a relevant criteria as the proposal itself is not a refurbishment of an existing building but a new build) or the site must be clear and vacant;
- not located close to an existing store of the same operator (should not be a reason to discount it. Whilst an operator is identified, the granting of permission would not limit the development to a particular operator);
- HGV access to the site (this is important but achieving this through design and layout of the building and car parking should not be discounted if the site meets the size criteria);
- sequentially preferable site in an in-centre location or failing that, an edge of centre location (this is accepted but it must also be well connected to the centre); and
- the site be located in a residential area in order to be located close to a customer base (it is accepted that it would need to cover a sufficient number of potential customers, but this does not mean it has to be within a residential area).

The applicant states that they have carried out a thorough review of the proposed catchment area, and no suitable or available sites have been found. The following sites were investigated:

- Darnall - Land on Darnall Works - the site was too large and there was no option to sub-divide the site;
- Handsworth - Plot 6 Orgreave Place: Commercially inappropriate location with poor visibility to public domain - site is being sold as a potential open storage site;
- Richmond Road – Richmond Road convenience store (no. 394 Richmond Road) - Site too small (130m²);
- Manor/Manor Top – Manor Park Post Office (no. 38 Manor Park Centre) - Site too small;
- Beighton – 53/55 High Street - Site too small (191m²);
- Woodhouse – Chapel Street, leisure facility: Costs would be too much to refurbish and the site was too small;

- Waverley – Brunel Way/Whittle Way (within the Advance Manufacturing Research Centre) - Inappropriate location;
- Intake – 11 Birley Vale Avenue - Commercially inappropriate location with poor visibility to public domain; and
- Catcliffe, Crystal Peaks and Swallownest – no sites identified.

Officers also reviewed the Local and District Centres within the catchment and concluded that there were no sequentially preferable sites. Furthermore, Rotherham Metropolitan Borough Council (RMBC) has confirmed that there are no sequentially preferable sites within or on the edge of Swallownest District Centre, and the local centre at Swallow Wood Road has been developed and therefore can be discounted. However, RMBC raised concerns about the proposal on the basis that it was clear as to which centres had been identified and assessed and no information had been provided regarding two proposed indicative local centres at Waverley. In response to RMBC's comments, the applicant has since amended the Retail Impact Assessment and provided relevant commentary.

The applicant has provided additional information which includes a list of centres (which are listed above) which have been identified to carry out the sequential test.

In respect of Waverley (a district in Rotherham) Outline planning permission (with all matters reserved except for the means of access) was granted in March 2011 (refer planning permission no. RB2008/1372) for a new community comprising residential (3890 units), commercial development (including office, live/work, retail, financial and professional services, restaurants, bars, cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space, 2 schools, community facilities, footpaths, cycleways, and associated infrastructure. Subsequently, a number of planning applications were determined, which sought variations to conditions and Section 106 agreements.

In 2017, the applicant, in bringing forward further development at the Waverley New Community site, sought to amend and update the approved parameter plans and master plan principles to reflect the agreed Highfield Commercial Master Plan Development Framework Document (refer RB2017/0743). Highfield formed one part of the wider Waverley master plan. Additional changes were sought in relation the land use plan, including the relocation of various uses from the Waverley Square local centre to the Waterfront local centre, ensuring consistency with the extant planning permission for a mixed-use centre on the Highfield commercial site (refer RB2017/0650). The proposed changes sought under planning permission RB2017/0743 permitted the area of the masterplan previously referred to as Waverley Square and the majority of the Park and Ride site to be renamed Waverley Central Square, which would now comprise residential uses; and the ancillary mixed use facilities including retail, commercial and community uses (which were reduced in size/quantum) were relocated to the Lakeside Local Centre.

A later Waverley Masterplan has been produced (dated June 2021) which no longer proposes the permitted 2017 scheme at Highfield Commercial, as it is no longer viable or achievable owing to market demands and changes. A smaller scale mixed use local centre is now proposed, comprising a high street anchored by a food store with complimentary leisure, retail, health, food and beverage and residential uses. The new local centre will be the primary retail element of the community, catering for the needs of residents and workers from the adjacent Advanced Manufacturing Park to west of the site.

A further planning application has been submitted to Rotherham Council (refer RB2021/0777) which proposes a mixed use scheme, comprising a supermarket, retail and services (Use Class E a and c), food and drink, gymnasium, offices, community

centre, 10 residential units and associated car parking, transport hub and associated infrastructure works. The development will occupy one part of the larger Highfield Commercial site. Retail floorspace across the Waverley New Community site has been reduced to a maximum of 1,300m² to be located within the secondary local centre at Waverley Waterside, which is now intended to be secondary to the proposed main mixed-use centre now proposed at Highfield Commercial.

The applicant argues that the latest planning application submitted to Rotherham (RB2021/0777) proposes a scheme comprising of multiple units which encompasses a significant proportion of the Centre's provision of retail floorspace, and therefore has been discounted as available land in Waverley Centre (and edge of centre) as a potentially sequentially preferable site. The proposed discount food supermarket appears to have been earmarked by Aldi and is therefore not considered to be an available potential site.

The applicant also argues that the entirety of the land designed to be the local centre was under the ownership of Harworth, with plans already in place for its development, and this therefore discounts them as a potential sequentially preferable site. The Waverley site, or any part of it, has not been marketed as available during the drawing up of proposals for the development at Rotherham Road. Furthermore, the timescale for bringing the Rotherham Road development forward will be immediately following consent.

The applicant maintains that there are no other reasonably available, suitable and deliverable sites within the defined area. Of the sites reviewed, none are sequentially preferable and do not comply with the criteria set out for the proposed development, with all of the sites being too small, except for one site near Intake which was not in a sequentially preferable location and did not have sufficient parking spaces available.

It is on this basis, that your officers concur that there are not considered to be any sequentially preferable sites and premises within the proposal's primary catchment which would become available within a reasonable period and which could reasonably accommodate the development proposed. The application therefore passes the sequential test.

Retail Impact Assessment

Paragraph 90 of the NPPF states that in assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, Local Planning Authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. In the case of Sheffield, there is no locally set threshold and so the NPPF sets a default threshold of 2,500m² gross floorspace. The NPPF requires that the assessment includes:

- (a) The impact of the proposed on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) 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).

Even though the proposal is below the trigger point in the NPPF, UDP Policy S5 does require us to consider impact in general terms and the PPG promotes the consideration of the impact on like-for-like developments.

As previously stated, Policy S5 is not fully up to date with the NPPF (for the reasons previously described) but it is clear from the *Aldergate vs Mansfield High Court* judgement, that even out of date policies are still part of the development plan, and that

any decision is required to assess whether the proposal accords with it, as the starting point. The local planning authority may give less weight to Policy S5 but only after it has been considered.

In satisfying the requirements of UDP Policy S5 all retail developments outside the Central Shopping Area and District Shopping Centres (which the proposal is) the impact of the proposed development must be assessed to ensure:

- (a) it would not undermine the vitality and viability of the City Centre or any District Shopping Centre as a whole, either taken alone or cumulatively with other recent or proposed development; and
- (b) It would not jeopardise private sector investment needed to safeguard the vitality and viability of the Central Shopping Area or District Shopping Centres or put at risk the strategy or proposals for promotion and regeneration of those areas.

This approach is very similar to the wording in the NPPF and Planning Practice Guidance (PPG), although the precise wording in the NPPF updates the UDP policy slightly.

In respect of the cumulative impact of the proposed scheme on recently opened convenience stores or other planned development, the most relevant sites are:

- Aldi, Drake House Way
- Lidl, Castleback Avenue
- Aldi, Swallow Wood Road, Swallownest
- Proposed Waverley store

It is however, noted that UDP Policy S5 carries less weight as it is not consistent with the NPPF, which does not require the cumulative impact of other recent or proposed developments to be assessed. It would be unreasonable to give significant weight to the cumulative impact as this would be inconsistent with national policy and therefore also inconsistent with the approach undertaken outside of Sheffield. This avoids taking an overly restrictive approach in Sheffield compared to other local authority areas.

In relation to paragraph 90 part (a) of the NPPF, the proposed Waverley Centre, in Rotherham is identified as the only in-centre planned private investment in the proposal's catchment area.

The proposal at Waverley in Rotherham (reference number RB2021/0777) includes a new Aldi and additional retail that could be considered to add to the cumulative impact.

RMBC raised concerns about the proposal on the basis that the impact assessment does not consider the local centres at Waverley.

The submitted Addendum (published on the file 22.09.2021) in section 3.3.0 only really assesses the impact on the proposed food discounted retailer such as Aldi proposed at the Waverley Centre. It doesn't look any further at the impact on Waverley Centre or centres for the reasons set out in paragraph 3.3.5, specifically "on the basis that the Waverley District Centre is yet to come forward, there is no state of health as such to speak of. Rather, existing residents in the Waverley district will presently be travelling outside of the catchment to meet their convenience retail needs. Therefore, notwithstanding any hypothetical impact from the proposal store at Rotherham Road or other stores recently brought into operation, the health of the emerging District Centre at Waverley should not be adversely affected once it is brought forward and becomes established."

The current planning application for Waverley District Centre which includes a 1,315m². Aldi store has been assessed in the RIA but has not assessed any additional retail space allocated in the Centre. It comes down to whether the Waverley plans are detailed enough to be able to consider them as “planned investment” in terms of the NPPF paragraph 90 – there is no definition as to what constitutes “planned investments” in the NPPF. It is also relevant to consider whether the retail element that isn’t an Aldi store would be considered as ‘like-for-like’ in terms of the PPG requirement. The latest proposals suggest a relatively smaller scale retail/commercial proposal which may not be able to accommodate an additional store.

The applicant argues that there is no current centre at Waverley on which to measure any potential impact as a result of the proposed development. Also, the lack of confirmed uses for the remaining proposed units at Waverley precludes approximating a turnover for the centre against which to measure impact, trade draw etc. Nevertheless, the applicant has drawn information from the submitted Retail Impact Assessment which was submitted as part of the latest planning application to Rotherham (RBC/0770), noting that the proposed non-Aldi floorspace comprises of smaller units and do not represent ‘like-for-like’. The applicant is also of the opinion that the Aldi would not have accepted other discounted food retailers operating in the same local centre as part of their agreement with the landowner.

It is also argued by the applicant that as the Waverley Centre will include a discount food retailer, the proposed Lidl store would not materially impact on the health of the centre at Waverley once it becomes established. Had Waverley Centre not included a food discount retailer then it would be reasonable to suggest that the proposed Lidl store on Rotherham Road would draw users away from other retail units in Waverley, thus affecting the health of the centre. The applicant maintains that since there is a confirmed discount retailer in the proposed Waverley Centre, the proposed Lidl store would not affect the health of Waverley Centre. It is considered that this is a reasonable assumption to make.

Given the above, it is not considered that the proposed Lidl foodstore is likely to compete directly with the proposed planned investment of Waverley Community Centre. The latest figures in the Retail Impact Assessment suggest a 5.23% reduction in trade for the proposed Waverley store, with a market share reduction of -0.28%, which is not considered to be a significant impact on vitality and viability

The second part of paragraph 90 of the NPPF also requires consideration. Part (b) requires an assessment of the impact of the proposed development on town centre viability and vitality, 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).

A Retail Impact Assessment has been submitted in support of the application, which is in line with the advice set out below in the National Planning Policy Guidance (NPPG).

- Establish the state of existing centres and the nature of current shopping patterns (base year)
- Determine the appropriate time for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur
- Examine the ‘no development’ scenario (which should not be necessarily based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure)
- Assess the proposal’s turnover and trade drawn

- Consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a fine grain analysis of anticipated impact)
- Set out the likely impact of the proposal clearly, along with an associated assumptions or reasoning, including in respect of quantitative and qualitative issues
- Any conclusions should be proportionate

A proposed catchment area has been agreed by Officers, which is based on a 6-minute realistic drivetime isochrone. This is considered to be reasonable and where it would be expected to draw its trade from. The drivetime accounts for other variables such as the level of traffic and peak hours. The catchment area falls within zones 7, 8 and 9 (as identified in the Council's Joint Leisure Retail Study (JLRS)), with primary postcodes identified within S13, S60, S26, S9 and S20.

The NPPF and the UDP do not define the meaning of 'significant impact'. In assessing a significant adverse impact is likely to occur, comparing Local and District Centres post impact turnovers with their benchmarks is considered to be an appropriate starting point. In making a judgement about how significant an impact is likely to be on the vitality and viability of a centre, the existing health of the centre is an important factor as described in the NPPG. For example, a small impact on an already struggling centre is more likely to be significantly adverse than on a Centre that has fewer vacancies, a good range of shops and high footfall.

The applicant has considered the health of the Centres closest to the site, which includes Darnall District Centre, Woodhouse District Centre, Handsworth Road/Bramley Lane Local Centre and Swallownest District Centre (Rotherham MBC). These centres are most likely to be affected due to their proximity to the site and due to them having existing retailers that are similar to the proposed foodstore. There is a large number of small Local Centres throughout the Handsworth, Woodhouse and Richmond areas but they only have a small number of shops serving a local area and are unlikely to compete with the proposal.

The applicant concludes that the above centres are in good health with low levels of vacancy rates. It is acknowledged that there are limitations to undertaking town centre health checks at this time, such as observing footfall levels and vacancies, due to the Government-enforced measures requiring people to work from home (where possible) and the closure of 'non-essential' businesses earlier during the pandemic. The health check carried out by the applicant is satisfactory and there are no reasons to disagree with the findings. The centres have localised services such as cafes, pubs, takeaways, pharmacies, beauty salons and convenience stores, all of which contribute to the vitality and viability of the centres.

The main points of impact will be felt by the Co-op in Woodhouse District Centre, the Lidl in Darnall District Centre and the Aldi at Turners Business Park (an out-of-centre location).

The assessment of impact clarifies the expected sales density of the proposed store. The sales density for a discount foodstore of £11,439/m² represents an adequate 'worst case' as this is at the high end of sales densities for such operators, bearing in mind that the 2017/18 Mintel UK Retail Rankings assigned Lidl with a sales density of £9,652/m² and Aldi at £11,915/m². Based on a sales area of 1,248m² the expected turnover is forecast to be £14,275,872.

The assessment adopts a design year of 2023, which is suitable to allow two years after opening to reach 'a mature trading position' (NPPG). The originally submitted assessment used 2020 and 2023 base year and design year population and

expenditure estimates from the JLRS but an addendum to the assessment, which now uses the most up to date estimates in respect of 2023 population and convenience spending figures for the relevant zone catchments (Zones 7, 8 and 9) have been taken from the Experian's latest Retail Planning Briefing Note 18 (October 2020) (RPBN18). This results in a more accurate assessment and is consistent with other retail impact assessments carried out in support of other recent planning applications.

The later estimates allow for a 4.58% increase in population from 2016 to 2023 within each Zone, however in the case of Zone 9 it is projected that the population increase will be 9.58%. This is owing to the fact that the JLRS projected higher population for this zone.

The assessment shows that, based on population estimates for 2023, the projected convenience expenditure per head in Zones 7, 8 and 9 will be £1,890, £2,008, and £1,747 respectively, all of which are below the national average. The total convenience expenditure for the three zones is calculated to be £314,405,922; comprising Zone 7 - £147,227,198; Zone 8 - £116,157,403; and Zone 9 - £51,021,321. The total convenience expenditure across the agreed isochrone catchment will £239,514,431.

Using the figures above, the assessment looks at three scenarios in order to assign different levels of trade draw from existing Centres and retailers:

- 1) the first assumes all trade will be drawn equally from all retail destinations in the catchment;
- 2) the second tapers the trade draw according to distance from the proposal; and
- 3) the third makes a judgement according to their similarity with the proposed operator.

The trade draw assumptions are likely to be a combination of scenarios 2 and 3, which follows the advice in the NPPG (paragraph 15). Two approaches have been taken to assess the impacts in the catchment areas.

The first assessment (Addendum published 22nd September 2021) applies a weighting based on the distance away from the site across the zones 7, 8 and 9 (Scenario 2) and then takes account of whether a like-for-like discount store (i.e. Aldi or Lidl) is located within the catchment (Scenario 3).

The second assessment (Addendum published 11th November 2021) applies an adjusted weighting to reflect likely customer preferences. This means that different adjustments need to be applied for each zone. The resultant figures therefore affect the outcome for Scenario 3. The Impact of the Proposal

The following set of impact figures are of the proposal on its own. The figures show a projected turnover of £14,275,872 for an unknown store (based on a worst-case scenario that the proposed Lidl store does not occupy the premises for the lifetime of the development), which represents a 4.54% trade draw of the total projected convenience expenditure in Zones 7, 8 and 9.

		Trade Draw of Zones 7, 8 and 9	Trade Draw of Isochrone
Lidl (expected turnover)	£8,436,480	2.68%	3.52%
Unknown store (estimated turnover)	£14,275,872	4.54%	5.96%

The expected market share impact on the affected district centres would be a combination of Scenarios 2 and 3.

The figures below show the market share reduction for each district centre under Scenario 2 for the combined zones 7, 8 and 9. These figures are relevant to both assessments and present a general picture of the affected combined zones.

District Centres	Post-Devt Market Share of Turnover (%)	Market Share Reduction (%)
Swallownest DC	0.09%	- 0.01
Woodhouse DC	1.06%	- 0.09
Darnall DC	0.47%	- 0.04
Handsworth Market	0.07%	- 0.01
Handsworth Shops	0.18%	- 0.02

The figures below show Scenario 3, which is based on whether or not the district centres include like-for-like retail, i.e. a discount retailer Lidl or Aldi. Each of the districts of Swallownest, Darnall and Handsworth have a Lidl or Aldi and as such, no additional weighing reduction in turnover has been applied. This approach has been taken on the basis that the expectation would be that local residents are present in their locality and therefore unlikely to travel further afield to another discount retailer.

In the case of Woodhouse, where there are no such discount retailers, the weighting for Scenario 2 has been increased by 10% to reflect the lack of competitive stores in the catchment. This is premised on the possibility that the presence and choice of a new discount retailer in a neighbouring centre would draw the trade of local residents away from the non-like-for-like stores currently being used.

Scenario 3: Adjusted Estimated Turnover and Market Share Reduction

	Post Devt Turnover	Post Devt Market Share	Total Projected Turnover Reduction (£m)	Total Projected Market Share Reduction
Swallownest DC	£0.31	0.10%	£0.00	0.00%
Woodhouse DC	£2.83	0.90%	£0.76	-0.24%
Darnall DC	£1.63	0.52%	£0.03	0.01%
Handsworth Market	£0.21	0.07%	£0.04	-0.01%
Handsworth Shops	£0.52	0.17%	£0.11	-0.03%

In considering the potential impact on the health of the existing centres, the figures show that the market share reductions for all but one district centre are under 0.1%, which is not considered to be significant. In the case of Woodhouse, it shows a 0.24% market share reduction although the applicant argues that the actual impact on the health of Woodhouse District Centre will be limited. This is due to the fact that the existing Centre does not have a like-for-like discount store and so therefore the presumption is that local residents are already likely to travel by car to other centres. The proposed new discount store is not expected to materially increase the degree to which local residents in Woodhouse travel elsewhere to meet their needs.

A further assessment has been carried out, which is still based on whether there is a like-for-like store but instead an adjusted weighting has been applied to reflect the location of specific stores, to account for customer preferences.

Scenario 3 – Estimated Turnover and Market Share Reduction

	Post Devt Turnover	Post Devt Market Share	Total Projected Turnover Reduction (£m)	Total Projected Market Share Reduction
Swallownest DC	£0.31	0.10%	£0.00	0.00%
Woodhouse DC	£3.05	0.97%	-£0.54	-0.17%
Darnall DC	£1.63	0.52%	£0.03	0.01%
Handsworth Market	£0.21	0.07%	-£0.04	-0.01%
Handsworth Shops	£0.52	0.17%	-£0.11	-0.03%

The adjusted weightings show a reduced impact on the Woodhouse Centre with no additional impact for other centres within the catchment area.

Other stores have recently opened and there is a planned discount retail store proposed at the emerging Waverley Centre. The table below shows the expected trade draw from the total catchment of Zones 7, 8 and 9.

Proposed/New Store	Projected Turnover	% Market Share
Proposal site	£14.3	4.55%
Aldi, Drakehouse Way	£8.1	2.57%
Lidl, Castlebeck Ave	£1.5	0.48%
Aldi, Swallow Wood Road, Swallownest	£0.2	0.06%
Proposed Waverley Store	£17.3	5.51%
Totals	£41.3	13.17%

The figures suggests that all of the new and/or planned developments account for 13.17% of the overall market share of the three zones combined.

Assessment of Potential Impact

The main impact will be on the following stores and centres and whilst it does impact on other stores within the wider catchment, the impact is considered to be minimal.

Co-op on Chapel Street in Woodhouse

The expected turnover of this store as set out in Table 5e of the 2017 Joint Retail & Leisure Study (JRLS) was £8.6m, the current turnover from the catchment area referred to in the RIA is close to this at £8.41m, suggesting that the catchment area accounts for the vast majority of the store's income. The anticipated turnover set out in the initial Addendum in Table 11 suggested a reduction in turnover to £7.75m, around a 1% fall from that predicted in the JRLS. The revised assessment suggests a reduction in turnover to just £8.09m, a reduction of only 0.6%. The two assessments therefore suggest an impact of between 0.6 and 1% on this store, which would normally be a manageable reduction for a store that is trading well.

In respect of the estimated drive time of 4 minutes between this store and the proposed new store, this is probably optimistic, but a longer drive time would have the effect of

reducing the draw from one location to another and result in a lower impact, so the drive time representing a worst-case scenario, is considered acceptable in this instance.

Impact on Woodhouse

The expected turnover as set out in Table 5e of the 2017 JRLS for Woodhouse was £13.3m, but the current turnover from the catchment area referred to in the RIA in the latest version of Tables 11 and 12 is only £3.59m, suggesting that the catchment area only accounts for just over a quarter of Woodhouse's turnover. The anticipated turnover reduction is £760K, around a 21% reduction from the catchment area but only a 5.7% fall from the total turnover that is predicted in the JRLS. This is using the weighted figure for Scenario 3, although it is noted that the applicant argues in favour of scenario 2. Whether this is a reasonable level of impact depends on the health of the Centre. Our latest figures suggest that the vacancy rate of the Centre is low at around 5% (as of April 2019), so the impact is considered to be marginally acceptable.

Aldi, Turner's Business Park, Handsworth

The expected turnover of this store as set out in Table 5e of the 2017 JRLS was £36.6m, the current turnover from the catchment area referred to in the initial Addendum to the RIA in Table 11 is £24.93m, suggesting that the catchment area accounts for around 68% of the store's income. The anticipated turnover set out in the initial Addendum suggested a reduction in turnover to £21.87m, around an 8.3% fall from that predicted in the JRLS. The revised assessment suggests a reduction in turnover to £23.73m, a reduction of only 3.3%. The two assessments therefore suggest an impact of between 3.3% and 8.3% on this store, which would normally be a manageable reduction for a store that is trading well, which the turnover figures would suggest is the case. As an out-of-centre store, this would not necessarily be any more favourable a location in retail policy terms as the proposed development. On this basis the likely impact is therefore considered acceptable.

The proposed drive time of 3 minutes, is again a little optimistic but given that this represents a worst-case scenario then this is acceptable in this instance.

Waverley Store and Centre

An assessment has been carried out to establish any potential impact on a proposed discount foodstore at the emerging Waverley Centre. A drive time of 3 minutes has been estimated which is considered to be acceptable. The figures in Tables 13b (Scenario 2) and 13c (Scenario 3) show that the store will have an estimated turnover of £17.3m and as a result of the proposed development the turnover will reduce by 5.23% to £16.4m. This will mean that the market share for the Waverley store will reduce by - 0.28%. This level of impact is not considered to be significant and subsequently the impact on the health of the emerging Waverley Centre is considered to be acceptable.

Given that the Waverley Centre is yet to come forward it is argued that there is no state of health from which to assess as it does not exist, so the impact is hard to accurately predict. The applicant argues that existing residents in the Waverley area will be travelling outside of the catchment to meet their convenience retail needs. Officers do not dispute this fact. Furthermore, in light of a revised masterplan (June 2021) for Waverley and a new full planning application (refer RB2021/0777) for development of the Waverley Centre, which gives an indication of the development put forward, it would suggest that there is no scope for another discount store in the Waverley Centre.

Other Retail Stores and Centres

Of the remaining stores and centres which have been considered as part of the overall retail assessment, table 11 (Scenario 2) and table 12 (Scenario 3) of both the earlier and later assessments show minimal impact in terms of loss of turnover and market share.

The retail stores, with the exception of those identified above, show that the stores will have market share reductions of no more than 0.05%. The reductions are not considered to be significant and unlikely to have a detrimental impact on the economic viability of each store.

With regards to Swallownest DC, Darnall DC, Handsworth Market and Handsworth Shops, the greatest turnover reduction is shown to be Handsworth Shops, with a reduction of £0.11m as the worst-case scenario, whilst Darnall is forecast to have a greater reduction (of up to 0.04%) in terms of its overall market share. Given these figures presented, it is not considered that the impact will be significant such that it would adversely affect the vitality and viability of the Centres.

Retail Policy – Conclusion

There are not considered to be any sequentially preferable sites in the catchment area of the development site that are suitable and available.

The submitted Retail Impact Assessment concluded that there would be a marginal impact on Woodhouse District Centre with other Centres having minimal impact. Given the limited scale of the proposal, your officers concur with these findings. The largest impact will be on Aldi at Turner's Business Park, Handsworth. The level of impact is considered to be acceptable and, given that this store is also in an out-of-centre location, it is not afforded any greater weight than the application site.

It is concluded that the proposed development will not undermine the vitality and viability of any District Shopping Centre as a whole and will not jeopardise private sector investment needed to safeguard the vitality and viability of centres. It therefore satisfies the tests laid out in the local development plan and the NPPF when considered as a whole.

Design

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods, including (a) the topography; (b) views and vistas to landmarks and skylines into and out of the City Centre; (c) the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials; and (d) the distinctive heritage of the city. Development should also contribute to place-making and be of high quality, that promotes the city's transformation, and contribute towards creating attractive, sustainable and successful neighbourhoods.

Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development and being clear about design expectations and how these will be tested, is essential for achieving this. Paragraph 147 sets out a series of expectations including ensuring developments are visually attractive as a result of good architecture, layout

and appropriate and effective landscaping and should contribute towards creating distinctive places to live, work and visit, whilst also being sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Developments should establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible.

The Development Plan policies are consistent with the NPPF, and as such it is considered that they can be afforded significant weight.

Prior to the submission of this planning application, the applicant had entered into pre-application discussions for the same proposal. The scheme is largely the same as that previously considered but now takes on board some of the recommendations put forward by officers.

There is no objection to the principle of a retail unit on the site, provided that it will achieve good pedestrian connectivity as stated in the previous pre-application response. It was recommended at pre-application stage, that the building be re-sited, set forward within the plot, such that it would front onto Orgreave Road to better relate to the street frontage and move the building away from rear gardens of residential properties fronting onto Retford Road, although it is recognised that there are some advantages to the siting from a residential point of view as the residents of Retford Road will be screened from the main activities of the car parking and servicing by the building itself.

The site currently comprises of a number of buildings of varied height, with the main 5-storey block sitting in the centre of the site. The buildings have no architectural or historical merit to warrant their retention and as such there is no objection to the demolition of the buildings. The demolition of the buildings will facilitate the comprehensive redevelopment of the site, which is particularly welcomed as the site is unkempt apart from the westerly boundary which offers green space that includes mature trees.

The bulk of the site is set down below the Rotherham Road frontage and is partially screened by a row of mature trees, as well as being partially concealed by existing residential properties fronting onto Retford Road. A natural stone wall extends along the Rotherham Road frontage, wrapping around the corner to front onto Retford Road. This is an attractive robust feature of the site and will be retained.

The proposed food store will be set down and set back within the site, positioned towards the rear, southern edge of the site, behind the Retford Road properties, orientated to face Orgreave Road. The food store will overlook onto an ancillary car park, served by a new means of vehicular access from Orgreave Road. An access road will extend along the eastern edge to provide a vehicular route to an area in the south-east corner to be allocated as a future telecommunications site. Soft landscaping will be introduced along the main frontages of Orgreave Road, Rotherham Road and Retford Road.

The food store will be single-storey in height, incorporating a shallow, monopitch roof comprising of a composite roof panel system colour finished in light grey/silver. The exterior of the building will be treated using a simple palette of materials: predominantly faced in horizontally laid, metal clad panels (final colour finish to be agreed), with blue aluminium, full height, vertically orientated curtain walling introduced to the side elevation facing Rotherham Road and to the main entrance facing north into the car park and Orgreave Road. The glazing will provide some visual relief, breaking up the elevation as this is likely to be the most visible elevation owing to the orientation of the

building. Aluminium eaves and rainwater goods will be colour finished in light grey/silver consistent with the roof and elevations.

Large advertisement panels are proposed along the frontage of the building, with more subtle signage provided elsewhere on the side and rear elevations. The principle of signage on the building is considered acceptable but full details will be subject to a separate advertisement application.

The proposed scale, massing and design are broadly acceptable, subject to finer details being agreed to ensure a quality finish and, in particular, the external clad panels being of sufficient quality. Large scale typical details including samples of materials will be secured by condition. The design of the food store is simple, offering little articulation but sufficient variation in the elevations and as it will be single-storey and set back within the site, it will not be a visually dominant feature in the street scene.

The proposed food store will sit comfortably within its commercial and residential setting and the design and layout of the proposed development is considered to be compatible with the existing townscape. The proposed development will deliver an appropriately designed scheme, which will meet the requirements of local design policies and the National Planning Policy Framework.

Landscaping

UDP Policy GE15 'Trees and Woodland' requires the retention of mature trees, copses and hedgerows, where possible, and replacement of any trees which are lost.

Paragraph 131 of the NPPF reinforces the important contribution of trees to the character and quality of urban environments and which can also help mitigate and adapt to climate change. Opportunities should be taken to incorporate trees elsewhere in developments and appropriate measures put in place to secure the long-term maintenance of newly planted trees, and for existing trees to be retained wherever possible.

Paragraph 174 of the NPPF sets out that planning decisions should enhance the natural and local environment and makes reference in part (b) to the economic and other benefits of trees and woodland.

Details of both hard and soft landscaping have been submitted in support of the application. Whilst much of the site will be hard-surfaced to facilitate car parking and servicing, it is proposed to provide enhanced soft landscaping along the three frontages of Rotherham Road, Orgreave Road and Retford Road. In delivering the scheme, several existing trees will be removed and their loss will be compensated for through the planting of a number of new trees, with particular emphasis being on the Retford Road and Rotherham Road frontage. Four trees will be removed in the south-west corner to facilitate a new pedestrian access including an accessible ramp. Other trees to be removed are those scattered along the southern and eastern boundaries, which are not good specimens. New soft planting will be introduced along the southern boundary to the rear of existing residential properties fronting onto Retford Road and will help screen and soften the development.

Retaining structures will be constructed within the site where necessary, to address the ground levels.

Root protection measures will be provided to ensure no damage to trees which are proposed to be retained. Full details of all elements of the proposed landscaping will be secured by condition.

The existing natural stone wall extending along the west boundary fronting onto Rotherham Road will be retained. Robust boundary treatments will be introduced elsewhere, details of which will be secured by condition.

Sustainability

Core Strategy Policy CS63 seeks to reduce the city's impact on climate change by giving priority to development in areas that are well served by sustainable forms of transport; promoting routes that encourage walking, cycling and use of public transport; designing development to increase energy efficiency and reduce energy consumption and carbon emissions; and promote developments that generate renewable energy. Action to adapt to expected climate change will include giving preference to development of previously developed land where this is sustainably located; adopting sustainable drainage systems; and encouraging environments that promote biodiversity, including the city's Green Network.

Core Strategy Policy CS64, which relates to climate change, resources and sustainable design of developments, requires that all new buildings to be designed to reduce emissions of greenhouse gases and function in a changing climate. To satisfy this policy, all new non-residential developments over 500m² gross internal floorspace should achieve a BREEAM rating of Very Good.

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The above policies are consistent with paragraph 157 of the NPPF which requires Local Planning Authorities to expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and taken account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The local plan policies therefore can be afforded significant weight in determining this planning application.

A Sustainability Statement has been submitted in support of the application setting out the proposed measures to minimise energy consumption and provide a low carbon footprint. It is proposed to achieve the highest possible energy efficient building, including consideration of low energy construction techniques and low energy technologies. It is anticipated that a fabric first approach will be taken, achieving high levels of insulation coupled with efficient glazing for the building. An appropriate condition will be imposed to ensure an equivalent 10% reduction in energy consumption can be achieved based on a fabric first approach, and thus meeting the policy requirements.

Other sustainability measures will be included within the development such as cycle parking provision and electric vehicle charging points.

The site represents a brownfield site, having previously been developed and is in a reasonably sustainable location being positioned to integrate into the existing environment and highway network, offering easy access to public transport. The provision of separate pedestrian routes will provide better connectivity to the surrounding area, which will provide customers with alternative options for accessing the site and promote more sustainable methods of travel. Landscape enhancements will increase biodiversity and reinforce their role within the wider environment.

Condition/s will be imposed to ensure that the measures are implemented and thus, comply with the requirements of the above policies and NPPF.

Highways Considerations

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' permits development provided that it would (f) be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Policy S5 identifies in part (c) that retail developments outside the central and district shopping centres should be easily accessible by public and private transport and provide access for pedestrian, cyclists. They should also (part d) not have significant impacts on public transport services or other movements on the road network; and (part e) traffic generated should not result in a significant increase in the number and length of customer trips.

Policy CS 51 'Transport Priorities' sets out six strategic priorities including developing alternatives to the car, containing congestion levels and supporting economic growth through demand management measures and sustainable travel initiatives.

Policy CS 53 'Management of Demand for Travel' also seeks to make the best use of the road network, promote good quality public transport walking and cycling and use travel plans to maximise use of sustainable forms of travel and mitigate the negative impacts of transport.

The NPPF (paragraphs 104 to 113) promotes sustainable transport. The above local plan policies are considered to broadly align with the NPPF and therefore carry substantial weight in the determination of the application. The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF paragraph 111).

The application site is located on the Orgreave Road industrial estate and is currently accessed from Orgreave Road by two access points. These would be closed as part of the proposals with a single new all-purpose access point created. Orgreave Road leads out onto Rotherham Road (B6066) at a position close to its junction (approximately 95 metres) with Retford Road (B6200).

New pedestrian accesses would be created from Orgreave Road and from Retford Road (close to the existing bus stop) and there would be highway improvements to the Retford Road / Rotherham Road junction to remove a splitter island and add a right turning lane on the Rotherham Road approach to Retford Road.

Traffic Modelling

The application is supported by a transport assessment undertaken by CoDa Transportation, Consulting Transportation Engineers in September 2020 on behalf of the applicants.

New food retail vehicle trips generally tend to be modest compared with the surveyed background flows (and most of them are not actually new trips). It is accepted by highways practitioners that trips attracted to this type of development are mostly already circulating on the local highway network. Types of trips are broken down as follows:

- New Trips are classed as trips not previously on the highway network prior to the development opening.

- Transferred Trips are already present on the local road network, accessing similar existing sites in the locality of the proposed development and have the potential to transfer their destination to the new development.
- Linked Trips are trips that have multiple destinations within a proposed development site (say between food and non-food uses).

In these instances, trips should not be double counted. Pass-by Trips are already present on the road network directly adjacent to the points of access and simply turn into the development. Diverted Trips are already present on the local road network, but not on the road from which site access is taken, and will divert from their existing route to access the site. These are similar to Pass-by Trips, but they have to deviate to make use of the development, before returning to their original route. Existing Trips are those that were attracted to the previous use of the site and should be deducted from the new generation. TRICS Research Report 95/2 suggests only around 30% of trips attracted to food retail developments are actually new to the local highway network.

In order to determine the impact of the proposal on the operation of the surrounding highway network it has been necessary in the first instance to make an estimate of the likely number of vehicular movements generated by the development. The TRICS database has been used for this purpose.

It is worth noting that all the surveys selected were from sites which were either operated by Aldi or Lidl and having edge of town or suburban locations such that they are consistent with the location and type of development proposed here.

It can be seen that in the AM peak (0800-0900) it is estimated that 44 vehicles will arrive at the site and 29 will leave the site, giving a total of 73 two-way movements. In the PM peak (1700-1800) the estimates are significantly higher at 71 vehicles arriving at the site and 74 departing from the site, giving a total of 145 movements.

When considering the implications of a development it is necessary to determine whether it will result in unacceptable levels of congestion. To this end two junctions have been investigated as part of the Transport Assessment, namely:

Rotherham Road / Orgreave Road
Retford Road / Rotherham Road

The junctions have been modelled for the existing situation and for a future year of 2025 with the development traffic added.

The proposal includes the signalisation of the Rotherham Road / Retford Road junction. This was in part as a result of the Stage 1 Road Safety Audit (RSA) which was undertaken as part of the Transport Assessment.

The modelling shows that under the current conditions, and with the inclusion of the development traffic, the Rotherham Road / Orgreave Road junction currently operates within capacity and will continue to do so for the future year model (2025).

For the Rotherham Road / Retford Road junction it can be seen that whilst the junction operates within capacity for the AM peak, in the PM peak it is approaching capacity and queues are beginning to develop.

The modelling of the junction under signal control indicates that, for both time periods (AM and PM) and for all movements, the junction operates within capacity.

Supplementary information was provided in relation to the Saturday Peak (11.45 to 12.45) which included a classified traffic count on 21 April 2021 between the hours of

10.00 and 14.00 which showed that the junctions close to the proposed store are all operating within capacity with no queues forming. To assess the situation at store opening but to add a level of robustness a future year assessment for 2026 was undertaken with the development traffic and other background growth factored in. This shows that the junctions will all still be operating with spare capacity.

Accessibility

The site is well located in terms of distance to bus stops (between 50m and 120m) from the pedestrian access to the site, where there are a number of frequent services available.

Information submitted with the application and local knowledge of the area indicates a significant number of dwellings within a 2km radius of the site. This distance has historically been considered to be the maximum that people were likely to walk to a destination rather than use the car. More recently research suggests that a distance of 1.2km is a more reasonable estimation of the likely distance that the majority of people will travel by foot. Nevertheless, this distance still indicates that the site is accessible to a significant number of potential customers on foot, given the substantial residential population on this proximity to the site.

Pedestrian connectivity was a particular issue which was raised during the pre-application stage, with the emphasis on providing better pedestrian links to the store. The proposal will provide a separate pedestrian route from Orgreave Road and the northern edge of the Rotherham Road frontage. This will allow pedestrians, possibly employees working in the neighbouring industrial units of the Dore House Industrial estate, to safely access the site on foot, and it will allow a more direct access from Rotherham Road, perhaps serving local residents.

An additional pedestrian route will be provided from Retford Road, close to the junction with Rotherham Road, which will comprise of an accessible ramp and a stepped approach. Both the ramp and stepped approach will be a little convoluted owing to the level differences, which is not ideal, but is considered acceptable in this instance as it will provide a direct access from the adjacent footway and to a local bus stop. Full details of all pedestrian routes including the access ramp will be secured by condition.

Highway Safety Issues

A Stage 1 Road Safety Audit (RSA) has been undertaken in relation to the proposed development. As part of the RSA the local collision data from the past 5 years was examined and found that five personal injury collisions have taken place in proximity of the scheme. All of these collisions were found to have taken place at or near to the Rotherham Road / Retford Road priority junction. Of these collisions, two were serious and three were slight in severity. One of the serious collisions involved a cyclist and one of the slight severity cases involved a pedestrian.

This information corroborates the concerns raised in representations about the safety of pupils walking to school and crossing Retford Road.

The RSA made a series of recommendations, including:

- Provide appropriate drainage at all locations where changes to the road layout and new carriageway are proposed to prevent ponding of water
- Ensure that appropriate tactile paving layouts and dropped crossing points are provided in accordance with current standards
- Provide details of site clearance and visibility displays at the site access and ensure that visibility for vehicles turning right into the store is clear

- Undertake detailed traffic modelling of the existing and proposed junctions to ensure they meet current design standards and operate within capacity
- The introduction of a right lane turn at the Rotherham Road/ Retford Road junction requires the introduction of traffic signals to remove the risk of conflict and the safely control traffic
- Provide signalised controls with staggered crossing to allow pedestrians to safely cross the Rotherham Road approach, together with a number of other pedestrian safety features.
- Where necessary widen the carriageway to safely accommodate all vehicle turning movements (to accommodate HGVs)

These recommendations have been taken on board in the design of the scheme and, in particular the signalisation control of the Rotherham Road / Retford Road junction, which is to be welcomed and will bring significant highway safety benefits to all users of this junction, not just the development traffic. The highway improvements are secured by condition and will ultimately be delivered through a Highways Section 278 Agreement which will deal with the detailed design, incorporating the recommendations of the RSA.

Parking and Servicing

The proposal includes the provision of 103 on-site parking spaces. Based on the current parking guidelines which are expressed as a maximum this represents a slight over provision (by 8 spaces) for the size of store but is nevertheless considered to be within an acceptable tolerance. A number of Electric Vehicle Charging Points are proposed at store opening plus the infrastructure is being installed to allow for 20% of the parking provision across the site to be EV charging points at a future point as demand increases.

The vehicular access will be taken from Orgreave Road and the proposed visibility splays (2.4m x 43m) are in accordance with current guidance for this type of junction. The proposed on-site layout for both customer parking and servicing is considered to be acceptable and has been supplemented by information related to tracking movements for service delivery vehicles.

Highways – Conclusion

An appropriate traffic modelling exercise has been undertaken and officers are of the view that the development, together with the road improvement works proposed, would not materially impact on the safe operation of the local highway network that would warrant the refusal of planning permission.

In conclusion, it is considered that, from a highways perspective, the proposal is considered acceptable in terms of its impact on the safety and capacity of the adjacent highway network as well as the design of the access to the site and on-site layout.

Amenity Issues

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' permits development provided that it would:

- Not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

This is in line with NPPF, paragraph 30 f) which states that development should 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. The development plan policy can be afforded significant weight in the consideration of this planning application.

Noise and Disturbance

The site is located within a mixed commercial and residential environment with relatively low background noise levels throughout the late evening. The predominant noise source is from traffic along Rotherham Road and Retford Road.

The proposed use will generate noise and activity as a result of the general operations of this type of use. There is potential for noise from the commercial operations, breakout of amplified sound, deliveries, servicing and external plant and equipment.

There is also potential for noise disturbance of customers outside the food store and the access/egress of the site. This disturbance includes people's voices talking, laughing and shouting and/or congregating. Vehicles arriving, engines revving and/or left idling, parking and departing may also intensify noise levels causing more annoyance to residents living nearby.

A Noise Assessment Report has been submitted in support of the application. The assessment has been carried out in respect of a proposed external plant facility to be installed on the site within a fenced compound towards the east side of the food store building. The report concludes that the noise levels will not be above the existing background levels and as such, there will be no adverse impact on existing residential properties, which in this case are the properties of 143-151 Retford Road.

The Environmental Protection Service (EPS) has reviewed the report and confirmed that it is satisfactory and therefore have no concerns with regards to the proposed plant facility. A condition will be imposed to ensure noise levels are maintained at an acceptable level as described in the noise assessment report together with a further condition restricting any amplified sound played within the building above background level.

The proposed food store will open between the hours of 0800 and 2200, Sundays to Saturdays and Public Holidays. These are considered to be reasonable opening hours and typical of supermarkets. The building itself will screen much of the site from the nearest residential properties and with enhanced landscaping to the rear of these properties and to the side of no. 143 Retford Road, it will provide a further barrier, thus reducing any potential noise as a result of the associated activities of the supermarket.

The EPS investigates numerous complaints of noise where nearby residents are subjected to long periods of delivery activities, in particular during the summer months. Such noise includes breakout of amplified sound from vehicles, opening/closing of vehicle doors/shutters, tail lift operation, unloading/loading of goods inside the trailer, goods being moved inside the building etc. With this in mind, the EPS has recommended that a standalone Delivery Management Plan (DMP) be prepared, which sets out the finer details of deliveries and associated activities, including permitted timings, procedures, controls and noise mitigation designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable. An appropriate condition will be imposed to secure full details.

The service bay for the unit is located on the east side of the building, where lorries will reverse into the service bay and goods will be unloaded. The nearest residential properties are those fronting onto Retford Road, which have rear gardens facing onto

the rear of the building. The building itself will screen the delivery area from these properties and so any noise generated by the deliveries will not be significant.

Other neighbouring properties, which are to the west on the opposite side of Rotherham Road are sufficiently distanced away to not be significantly affected by any noise generated by the deliveries.

In light of the above, commercial deliveries to and collections from the building will only be carried out between the hours of 0800 and 2200, Mondays to Saturdays and between 1000 and 1600 hours on Sundays and Public Holidays. This will be conditioned. An additional condition will be imposed to restrict the hours when sorting/removing waste materials/recycling etc.

The construction works will take place near to existing residential properties, and as such there is a real potential for disamenity, as a result of noise, vibration, dust, and light from site security. The development phase would best be addressed by way of an approved Construction Environmental Management Plan (CEMP), which would cover all phases of demolition, site clearance, groundworks and above ground level construction. A CEMP has been submitted in support of the application and reviewed by the EPS who has confirmed that it is not satisfactory and therefore a condition will be imposed requiring the submission of a revised CEMP.

Other Residential Amenity Issues

Currently, there are some buildings which appear to be in use, positioned near to the southern edge of the site. There are vehicular movements taking place within the site, some of which are likely to occur near to this boundary which is adjacent to rear gardens of Retford Road properties. These buildings will be demolished and soft landscaping will be provided along this boundary. Whilst full details of the proposed landscaping have not yet been approved, it will be expected for substantial planting along this boundary which will help screen the site and improve the outlook from the nearest affected properties. Appropriate boundary treatment will ensure that security and privacy levels are maintained.

A pedestrian access including a ramp will be provided on the Retford Road frontage, which will be set away further up along the frontage from the nearest property, no. 143 Retford Road. A stone boundary wall extends along the front boundary and turns at a 90 degrees angle, continuing along the side boundary with no. 143. The side boundary wall is a retaining wall and does not offer any screening to the application site. No. 143 is set down below the application site by approximately 0.5 to 1 metre and to the rear is an enclosed garden which is screened by fencing and outbuildings. The introduction of substantial planting adjacent to this property will create a suitable robust barrier and degree of separation such that the occupants of the property will not be adversely affected by any noise or activity associated with the use of the pedestrian route and ramp.

The proposed development is considered acceptable subject to the imposition of appropriate conditions which will safeguard and in some case improve the amenities of local residents. On this basis, it is considered that the proposed development will not adversely affect existing residents and as such, the proposal will accord with UDP Policy IB9 and the NPPF.

Drainage

Core Strategy Policy CS67 requires developments to significantly reduce surface water run-off from the site. This is consistent with paragraphs 167 and 169 of the NPPF, in that development is steered towards areas which are less vulnerable to flooding and in

the case of major developments sustainable drainage systems should be incorporated unless there is clear evidence that it would be inappropriate; take account of advice from the Lead Local Flood Authority; proposed drainage systems should have appropriate minimum operational standards and maintenance arrangements; and where possible, provide multifunctional benefits.

A Flooding & Drainage Assessment report has been submitted and reviewed by Yorkshire Water and the Lead Local Flood Authority (LLFA).

Yorkshire Water has confirmed no objection to the proposed drainage arrangements as set out in the submitted report, in that foul water will discharge to the public combined sewer network; sub-soil conditions do not support the use of soakaways and the site is remote from a watercourse; and surface water will discharge to the public surface water sewer via storage with restricted discharge rate of 10 litres/second. Yorkshire Water has also advised that surface water run-off from the communal car park (which is more than 50 car parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor before any discharge to the public sewer network with further advice relating to roof water.

The LLFA has also confirmed that the drainage arrangements are satisfactory with regards to flood risk and surface water management, including the discharge rate with a 30% reduction. The scheme will incorporate permeable paving which the LLFA expect to see this delivered to provide robust surface water treatment. The details of levels of the permeable surfacing and their contributing areas could present an opportunity to provide considerable attenuation with a lined sub-base.

Conditions will be imposed to secure full details of the design of the proposed drainage arrangements including the surface water discharge rate and requirement to provide a petrol/oil interceptor.

Ecology

UDP Policy GE11 requires that the natural environment is protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Paragraph 174 of the NPPF states that development should minimise impacts on and provide net gains for biodiversity. The local policy requirement to protect and enhance the nature environment strongly reflects the relevant policy in the National Framework and so can be offered substantial weight.

The key principle of the NPPF is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

A Preliminary Ecological Appraisal (PEA) and Preliminary Bat Roost Assessment (PBRA) has been submitted in support of the application.

This survey work carried out concludes that there are no protected species or habitats on the site and buildings are assessed as having negligible or low potential for bats.

The development should deliver a range of biodiversity enhancements in line with the aims of the NPPF with plans to show a 'net gain' in biodiversity. A number of measures have been put forward in the PEA and by the Council's Landscape team, which includes:

- Tree, shrub and hedgerow planting – to comprise a diverse selection of locally appropriate native species and climate-change resilient species. Retention of good quality tree specimens as much as is practicable.
- Green or brown roof. This project would present a good opportunity to include a green/brown roof.
- Bat boxes – 3x to be incorporated into the fabric of the building. A range of discreet high quality products are widely available.
- Bird boxes – 3x to be incorporated throughout the site, sited either on the main building or within the trees.
- Lighting – a sensitive lighting scheme that avoids excessive upward/outward light-spill and avoids illuminating boundary trees and shrubs.
- Felled trees to be utilised on site as deadwood 'habitat piles' within the landscaping scheme.

These measures will be set out either within a Landscape Ecological Management Plan or a Biodiversity Enhancement Management Plan (BEMP), details of which will be secured by condition.

There are trees and scrub on the site, which provide a habitat for birds. An informative will be attached to the decision notice reminding the applicant of the need to ensure that no nest in use or being built by any wild birds are protected under the Wildlife and Countryside Act 1981.

Contaminated Land

A Phase 1 Environmental Assessment report has been submitted in support of the application. The Environmental Protection Service (EPS) has reviewed the documentation and confirmed that it is satisfactory. In order to ensure that the site is fully investigated and remediated where necessary, a full suite of land quality conditions will be imposed.

Coal Mining Issues

The site falls partly within a defined Development High Risk Area and as such, a Coal Mining Risk Assessment has been submitted in support of the application. The Coal Authority has reviewed the report and concurs with the recommendations put forward within the report, to carry out intrusive ground investigations. Two conditions will be imposed to ensure the investigations and appropriate remediation works are carried out.

Community Infrastructure Levy (CIL)

The scheme will not be liable for a contribution under the Community Infrastructure Levy, which was introduced in July 2015, as it falls below the threshold of 3,000m² for retail developments as set out in the CIL Charging Schedule.

RESPONSE TO REPRESENTATIONS

It is considered that the issues raised in the representations have been covered in detail in the report.

SUMMARY AND RECOMMENDATION

The proposal seeks the redevelopment of an under-utilised site, part of which is of very poor visual quality with a number of dilapidated buildings. The principle of redevelopment is acceptable. The key issues in relation to this proposal are the location of the store outside an identified shopping area and any adverse impact that this may

have on existing shopping centres, together with the highways impact of the proposal. The assessment of these specific issues detailed in the above report is that the impact on local centres is at an acceptable level and that the highways impact of the proposal will be mitigated by the localised improvements proposed, including the signalisation of the Rotherham Road / Retford Road junction which will benefit all road users and improve the overall safety of the junction.

Other matters such as design, amenity, landscaping, biodiversity, land quality and drainage have been adequately addressed.

The report includes, where relevant, an assessment of local policies against the policies in the NPPF. It is considered that the local and national policies are well aligned and so the tilted balance is not in play. It is concluded that the scheme complies with the relevant local and national planning policies when taken as a whole and as such the application is recommended for approval subject to the listed conditions.

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