
Case Number	21/03651/FUL (Formerly PP-10104898)
Application Type	Full Planning Application
Proposal	Demolition of public house (retrospective) and erection of single-storey building comprising 3 no. retail units (Use Class E) with associated parking and landscaping (amended description as per amended plans published 08.02.2022)
Location	The Royal Oak 53 High Street Mosborough Sheffield S20 5AF
Date Received	11/08/2021
Team	City Centre and East
Applicant/Agent	GR Planning & Architectural Design Ltd
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:

Phase I Site Investigation, ref: 46248-001, dated: 09/08/2021, by Eastwood & Partners published 20.08.21

Drawing number: 1396-002 (landscape masterplan and planting plan) published 10.05.22

Drawing number: 006 (site location plan) published 20.08.21

Drawing number: 003 rev E (proposed site plan) published 10.05.22

Drawing number: 002 rev C (proposed elevations) published 08.02.22

Drawing number: 001 rev C (proposed floor plan) published 08.02.22

Reason: In order to define the permission.

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

3. No development shall commence until:

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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.

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. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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.

7. 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.

8. 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.

9. 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)

10. 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 the Local Planning Authority for approval in writing. 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 safety and stability of the proposed development.

11. 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.

12. 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.

13. Large scale details, including materials and finishes, at a minimum of 1:20, of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows and doors including reveals
Intersections between timber, brickwork and stone
Parapets/eaves
Balustrade

Thereafter, the works shall be carried out in accordance with the approved details.

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

14. All stonework to the building and front boundary wall shall be natural stone.

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

15. A comprehensive and detailed hard and soft landscape scheme for the site, including boundary treatments (including acoustic barriers where required) and retaining walls, and samples when requested by the Local Planning Authority, 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. Thereafter the approved landscaping works shall be implemented before any commercial use commences.

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

16. The Local Planning Authority shall be notified in writing when the landscape works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

17. 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.

18. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

19. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the system's required cleaning and maintenance schedule.
- e) (Optional: Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

20. A Noise Impact Assessment, taking account of the revised site layout plan as approved, and including full details of any required works recommended to protect the occupiers of nearby dwellings from noise (such as acoustic

barriers), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be implemented prior to the use of the commercial retail units commencing and retained in accordance with the approved details.

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

21. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

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

22. The development hereby approved shall be undertaken in accordance with the recommendations and enhancement measures detailed in the following approved documents:

Preliminary Ecological Appraisal (PEA) dated March 2022 by Weddle
Biodiversity Net Gain Report dated April 2022 by Weddle
Biodiversity Metric 3.0 Calculations dated 01.04.22
Drawing number: 1396-002 (landscape masterplan and planting plan)

All published 10.05.22

The development shall not be occupied unless the following ecological enhancement measures, as a minimum, have been undertaken:

- Brown roof
- Green wall
- Native tree and shrub planting
- Bat roosting opportunities
- Bird nesting opportunities
- Wildlife-sensitive lighting
- Gaps in boundary fencing for hedgehogs
- Wood pile habitats

Thereafter the enhancement measures shall be retained and maintained for the lifetime of the development.

Reason: In order to ensure the development has an acceptable impact on

local biodiversity.

23. 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.

24. 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 inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and no commercial use shall commence unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

Reason: To ensure ease of access and facilities for disabled persons at all times.

25. Before the development is occupied the detailed lifetime management arrangements for the drainage system shall be submitted to and approved in writing by the Local Planning Authority. These arrangements shall demonstrate that there is in place a legally binding arrangement for the life time management of the drainage system including funding source/s. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings.

Reason: To ensure satisfactory drainage arrangements are provided to serve the site in accordance with the National Planning Policy Framework it is essential for this agreement to be in place before the use commences.

26. The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

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.

27. 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.

28. The development shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. 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 delivery bay and turning area are 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.

29. Notwithstanding the approved plans, the development shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the main vehicular access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

Reason: In the interests of the safety of road users.

30. The development shall not be used unless the car parking accommodation for 32 no. cars (including 2 no. bays to full disability standard) 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.

31. The development shall not be used unless the cycle parking accommodation for 10 no. cycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking

accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

Other Compliance Conditions

32. No amplified sound shall be played within the commercial uses hereby permitted, 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.

33. No customer shall be permitted to be on any commercial 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.

34. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

35. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

37. The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

38. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

39. 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.

40. All bins shall be stored internally within the building and at no time shall bins be left outside.

Reason: In the interests of the amenities of the locality and highway safety.

Attention is Drawn to the Following Directives:

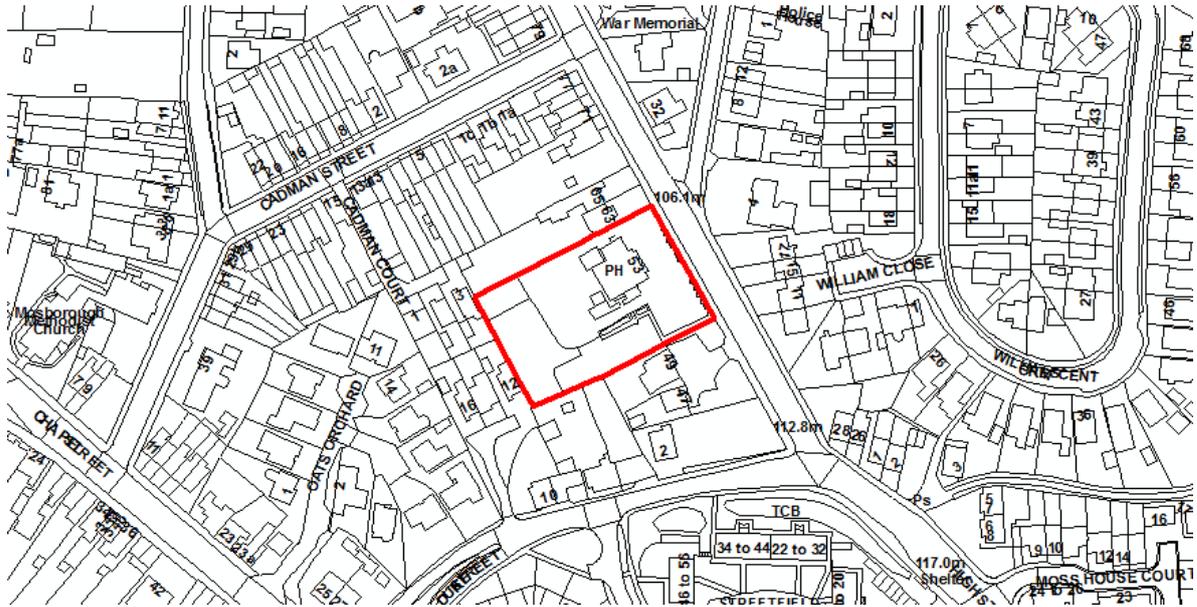
1. The applicant should note that permission is required from the Coal Authority Permit and Licensing Team before undertaking any ground investigation and ground works which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcome of a Permit application.
2. 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.

3. 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.
4. Plant and equipment shall be designed to ensure that the total LA_r plant noise rating level (i.e. total plant noise LA_{eq} plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA₉₀ background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
5. The applicant is advised that the appointed land quality consultant must contact the Environmental Protection Service prior to undertaking the Phase II Intrusive Site Investigation. This will enable consultation to ensure adequate assessment of potential risks to human health arising from ground contamination, bulk or trace gases, and potential pollution of ground or surface waters, are assessed, and the site is fully characterised and developed appropriately for its intended use.
6. 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.
7. 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

The application relates to the site of the former Royal Oak public house on High Street, Mosborough. The pub has been unlawfully demolished without permission.

The application seeks retrospective permission for the demolition of the building and the erection of a replacement single-storey building comprising 3 no. retail units (use class E), with associated parking and landscaping.

Amended plans were submitted (published 08.02.2022) in response to officer concerns raised regarding the design of the scheme and the impact on the amenities of the area. The assessment below is against the amended plans.

RELEVANT PLANNING HISTORY

No relevant history.

SUMMARY OF REPRESENTATIONS

64 objections have been received from neighbours and other interested parties. The primary concern being the unauthorised demolition of the public house. In summary, the following issues were raised:

- Demolition unlawful and disregard shown for the rules, approval would encourage developers to ignore planning rules in future, setting a dangerous precedent and condoning illegal action. Developers should be fined.
- The pub was viable and a vital community asset
- The application should be refused
- Alternative uses and sympathetic alterations should have been explored
- New licenced premises have recently opened on High Street, there is not a surplus of public houses, would be viable with the right management, pandemic affecting viability
- The Royal Oak was a building of character, or local historical interest, contributing to Area of Special Character and part of the village's history
- Proposed development too modern and corporate and not in keeping with village character of the centre of Mosborough
- The pub building should be rebuilt and reinstated. Carlton Tavern in London sets a precedent
- High Street cannot support extra traffic. Existing traffic and parking problems exacerbated by insufficient parking provision, which would be taken up by staff. Highway safety issues with on-street parking increased and large goods vehicles moving in and out of the site.
- Environmental impact of increased traffic fumes.
- Inaccuracies in the submission
- There are other supermarkets and grocery stores in the vicinity, and no additional need. Affect the viability of existing businesses in the area.
- Noise disturbance due to goods vehicles and antisocial behaviour when shops are closed, increase in litter

- Justification of demolition due to chemical spill disputed, pretext to demolition, site not properly secured or cleared since, could have been addressed without demolition
- Deliveries and damage to adjacent property (no. 63 High Street), development should be moved 6m away
- Concerns regarding maintenance of boundaries
- Security concerns
- Wildlife could have been present within the building, loss of habitat
- Increased water runoff
- Demolishing is not sustainable in terms of carbon emissions
- Site should be used for new housing, public parking, something of benefit to the younger generation, independent shops or a new, modern pub with restaurant, play area, parking etc
- Enough public houses have been lost
- Devaluation of nearby property
- Disruption during building work
- Overdevelopment of the site
- Additional takeaways not needed

Clive Betts MP objected. In summary he raised the following concerns:

- Application fails to recognise both the historical significance of the Royal Oak building itself as well as providing no convincing case for the future development on the site.
- Fail to see how the developer could not have put forward a proposal that included the Royal Oak building itself into a future development. The building has been a historical landmark in the area since the 1800s, and a focal point for the community throughout. I am therefore not convinced any development of the site required the building to be demolished, and any regeneration should have included the pre-existing structure, incorporating it into any plans put forward.
- Not convinced that the actual proposed development of the site will ever actually be a reality. Numerous shops in the area have had to close due to lack of business, so I do not believe that the development of this site for retail outlets will be successful if they do go ahead. This will result in empty lots that will be vandalised. Given this I feel the development proposed is incredibly naive and shows no understanding of the area, or the wishes of the community.

10 letters of support have been received, expressing the following:

- Support more shops in Mosborough, including a late supermarket, there are not enough grocery shops and there are enough public houses
- Encourage further development
- Royal Oak an eyesore and encouraged antisocial behaviour
- Support local businesses by bringing more people to the High Street
- Does not add to parking problems, plenty of parking provided
- Job creation
- Increases property prices

3 neutral representations have been received, expressing the following:

- Should give priority to local independent businesses, not food chain
- Concern with more shops, takeaways and traffic, and the land should be used to enhance the feel of the village with a tea-room or small grocery store

Amended Plans

Following submission of the amended plans, immediately affected neighbours were re-notified.

8 objections have been received, in summary raising the following issues:

- Original objections still stand and issues remain unresolved
- Insufficient parking for 3 units including staff parking, increased traffic problems/congestion
- Unlawfully demolished, pub should be rebuilt
- Object to large tree being removed, should be TPO in place
- Building too close to no. 63 High Street and height and scale affecting right of way, security, privacy and daylight
- Noise and environmental pollution, including from refrigeration units
- Out of character with the village
- No need for a supermarket as there are already many in the area, affecting existing businesses
- Potential source of trouble and vandalism in the area
- Chemical spill washing onto other gardens should be cleaned up

1 letter of support has been received, in summary supporting a small supermarket in Mosborough.

2 neutral representations have been received, in summary raising the following issues:

- Delivery entrance now closer to no. 49 High Street, query whether timber fencing to reduce noise adequate and still included
- Query regarding whether trees will be removed
- Revised permission addresses majority of concerns
- Condition a deadline of completion to avoid the site continuing in its current state
- The developer should contribute to traffic calming measures on High Street given the issues of speeding
- Antisocial behaviour issues and security measures should be conditioned

RESPONSE TO REPRESENTATIONS

Issues relating to the demolition of the pub, the principle of the retail development, the design and conservation impacts, the impact on highways, noise and amenity impacts, wildlife/landscaping, land contamination and sustainability are addressed in the planning assessment below.

No weight has been given to the argument that the chemical spill meant the demolition was necessary, as this has not been established.

The delivery bay has been moved away from no. 63 High Street, hopefully addressing concerns regarding damage to property, although this is not a material planning consideration.

Maintenance of boundaries is not a material planning consideration.

The concerns regarding traffic fumes are noted, however, the development is not large enough to warrant an Air Quality Assessment and would not have a material impact on air quality.

Security and antisocial behaviour concerns are noted, however, these are not material planning considerations, and would be a matter for the Police, with the applicant likely to take reasonable security precautions, such as CCTV.

A condition would require the developer to prevent water runoff into the street.

The impact on property value is not a material planning consideration.

The application is not for any hot food takeaways and these would require a planning permission for a change of use, as they fall under a separate use class to the one being applied for.

Whether an end operator is a local business or national chain is not a material planning consideration, neither is competition between businesses.

Rights of way are not material planning considerations, although the proposed plan does indicate that this would be maintained adjacent to no. 63 High Street.

It is not possible to condition a deadline of completion to avoid the site continuing in its current state. However, should the permission not be implemented, then further enforcement action could potentially be taken regarding the restoration of the site, if deemed expedient to do so.

The inaccuracies in the submission are noted, however, the plans put forward for approval clearly show what would be approved.

PLANNING ASSESSMENT

Planning Policy Context

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 Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in July 2021 (the NPPF) is a material consideration (paras 2 and 218 of the NPPF).

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the "tilted balance" and this assessment will have due regard to this.

Unauthorised demolition of the public house

The significant public concerns relating to the unauthorised demolition of the public house are shared by the Local Planning Authority. This clearly should not have occurred and was done so at the developer's own risk. No weight in this assessment can therefore be given to the fact that the pub has already been demolished, and the assessment must assume that the pub is still in situ.

Drinking establishments cannot be demolished under the General Permitted Development Order (Schedule 2, Part 11, Class B) via a demolition prior notification (DPN) and full planning permission is required. This affords public houses additional protection, and the assessment is therefore not limited to the method of demolition and the restoration of the site. Consideration can be given to the value of the pub to the community.

However, the pub was vacant and was not listed as an Asset of Community Value (ACV). There are various drinking establishments in and around Mosborough, and while the loss of a traditional pub is always extremely regrettable, it is not

considered that the loss could be argued to lead to a lack of such facilities for this particular local community.

In planning terms, the value of the building is therefore primarily limited to its contribution to the character of the area and street scene. As a traditional, stone building, the contribution was undoubtedly positive. However, the building was not listed and the site is not within a Conservation Area.

In the absence of any other form of formal planning protection, the assessment must consider the value of the character of the existing building in comparison to the merits of design of the retail scheme proposed, weighed against all other material considerations, addressed in turn below.

Principle of the retail development proposed

The site lies within a Housing Area, as designated by the UDP, where residential uses are preferred under Policy H10, and larger shops (above 280 square metres in scale) are listed as unacceptable, unless at the edge of Shopping Areas. UDP Policy S5 states that retail development of the scale proposed will be permitted only in or at the edge of a local centre.

However, para. 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses (such as retail) which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations.

A sequential test has been submitted by the applicant, which suggests that this site, which is approx. 125m from the edge of the designated Local Shopping Centre on Mosborough High Street, is an edge of centre location in terms of the NPPF definition. This is true under the specific town centre definition in the NPPF, however, regard must be taken as to the scale of the Local Centre when determining a realistic distance in terms of an edge of centre assessment.

The sequential test requires the applicant to consider whether there are any available/suitable sites or units to accommodate the proposal within the nearby Local Shopping Centre or in a more accessible location. If there are no alternative sites, then the proposal would pass the sequential test. However, if there are sequentially preferable sites available within the Centre, the proposal would be considered unacceptable in principle in this location. Policy S5 accords with the NPPF requirements so is considered an up to date policy.

The sequential test submitted in paragraph 3.5 refers to the Dundee case in terms of the proposal not having to be considered in a different form in order to fit within the existing centre. However, para. 88 of the NPPF states that applicants and LPAs should demonstrate flexibility on issues such as format and scale, so some alternative options to the proposed development should be considered when assessing if it could be accommodated in the existing local centre.

The sequential test identifies two vacant properties within the area, neither of

which, either separately or taken together, appear to be large enough to accommodate the proposal, even with a reasonable level of flexibility.

The concerns raised regarding the proposal's impact on the viability of the centre are noted. However, the Mosborough High Street Local Centre is relatively healthy with few vacant properties. The proposed development is also on the High Street and within easy access of the existing centre, and could equally be argued likely to increase footfall and complement the vitality of the centre overall.

Given this, the proposal is considered to satisfy the sequential test, in that there are no alternative in-centre sites available. The proposal is therefore acceptable in principle.

The proposal would utilise a brownfield site within an existing settlement and would assist the aims of the NPPF section 11, which seeks to make effective use of land, and Core Strategy Policy CS2, which prioritises brownfield land for new business development.

The proposal would support the overall settlement plan of the Core Strategy, which states in para. 4.6 that local jobs, services and facilities to satisfy needs that can be met locally will be encouraged, and a degree of self-containment will be supported in Mosborough, and para. 4.26 what states that Local employment in Mosborough will be safeguarded and expanded to complement the concentrations in the main urban area.

Given sufficient parking has been provided (see highways section below) and the sequential test has been passed, it is not considered necessary to prevent or limit any potential future changes from retail to other uses within class E (commercial, business and service), such as cafes, professional services, indoor sport/fitness, nurseries, offices etc. that would be possible under permitted development rights.

Design and landscape

The site is within an Area of Special Character, as designated by the UDP. The site does not lie within a Conservation Area.

The public house was a two-storey traditional stone building, with later additions, set back slightly into the site, maintaining a strong building line and relationship with the adjacent stone terraced dwellings. The site has a large front/side car park, with vegetation to the boundaries. The building has been demolished and the site secured, awaiting redevelopment.

High Street features a mix of buildings, however, these are predominantly traditional, stone and brick terraced shops and dwellings to the north of the site, with predominantly more recent infill dwellings to the south. St Mark's Church is a dominant feature to the north between the site and the Local Shopping Centre on High Street.

The proposal is for a single contemporary, flat roof building, which would comprise 3 no. retail units; a larger supermarket to the front and 2 no. separate smaller retail

units to the rear, accessed to the side. The building would be predominantly finished in natural stone to the front/side, with brick and feature timber cladding to the sides. The building would step down between each material element to achieve a positive transition between and break up the massing. The building would feature large, glazed openings with dark grey aluminium frames, further reducing the mass.

The scale and massing of the building would sit comfortably within the context of the site. The front elevation would align with the building line of the adjacent dwellings, which is welcomed from a placemaking perspective, as this allows for visibility of entrances and positive interaction with High Street.

Overall, the contemporary design approach is considered to be of suitable quality and raises no major issues, as this would clearly be a new addition, complimenting the existing mix of architecture along High Street. The design is well considered and the use of natural stone would relate the development to its surroundings.

Large scale typical sections would be secured by condition, to ensure deep reveals can be achieved for the large areas of glazing, and full material samples would also be reserved by condition to ensure quality.

It is unfortunate that the frontage would be dominated by car parking, however, this is required to achieve an appropriate level of off-street parking and avoid highway safety issues arising, as discussed below. The site would still maintain a good pedestrian approach and interaction with High Street, as discussed above, and block paving to this front parking area would maintain an appropriate quality of landscaping.

The proposal would feature front, side and rear parking, with hard and soft landscaping. A landscaping masterplan has been submitted which commits to a brown roof, a green retaining wall to the rear and an appropriate replanting scheme of 10 no. extra heavy standard trees and native shrub planting (also see Ecology section). The parking area/forecourt would be finished with concrete block paving. The site is already heavily excavated, but the level of excavation would be increased to the side/rear with retaining walls indicated.

The landscaping details submitted so far are considered acceptable from a design perspective, however, such an extensive landscaping scheme should provide additional detail, including surfacing material samples and details of all boundary treatments, including the retaining walls, given the site's prominence in the street scene and the increased level of public use. The details submitted so far can be approved, however, a full hard and soft landscaping condition would be added to cover these outstanding points.

Ideally, the existing building would have been retained and incorporated into the development. However, given the lack of formal protection, and the general quality of the design of the replacement scheme put forward, it is not considered that the retention of the pub building could have been reasonably insisted upon to make the scheme acceptable, and a refusal could not have been substantiated on this basis. The loss of the pub building in bringing about the wider regeneration of the site is

therefore reluctantly accepted.

Overall, the proposal is considered to accord with UDP Policies BE5 and H14(a) and Core Strategy Policy CS74. These policies are up to date and in accordance with the NPPF section 12, which seeks to achieve well designed places.

Access

As a new development, it will be possible for level access to be provided to the main entrance of the three retail units, with a minimum 1m effective clear width to the openings. Step free access from the footway of High Street will also be possible. Full details, including the use of tactile paving etc, can be secured by condition, in line with the requirements of UDP Policies BE7(a) and BE8. This would also ensure the proposal accords with the NPPF para. 110(b) and safe and suitable access to the site can be achieved for all users.

Highways

The proposal is located in a sustainable location within the centre of Mosborough, close to public transport (bus) routes and in proximity to the existing designated Local Shopping Centre.

A total of 32 no. off-street car parking spaces (5m x 2.5m each) would be provided, including 2 no. spaces to full disability standard. This is considered to be an adequate parking provision for the proposed use and would prevent significant on-street parking or highway safety issues arising.

The delivery bay would be to the rear of the unit and suitable turning space would be maintained within the site, so all vehicles can exit in a forward gear. Notwithstanding the approved plans, appropriate visibility splays would be secured by condition in order to ensure pedestrian and highway safety at the main access and egress point from High Street.

10 no. visitor cycle stands would be provided to promote sustainable transport and would be secured by condition.

There is sufficient back of house space within the building to store bins internally and prevent these being left around the site, potentially causing obstructions to vehicles and general disamenity, and this would also be secured by condition.

Overall, subject to the above, the proposal would accord with UDP Policy H14(d) as it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. This policy can be given substantial weight as it is in accordance with the NPPF section 9 which promotes sustainable transport.

Paragraph 111 of the NPPF states that new development 'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. In this case the impacts have not been demonstrated to be

unacceptable or severe.

Land quality- coal mining

The site is situated within a Coal Mining Referral Area. In regard to potential land stability issues, a Phase I geotechnical and geo-environmental desktop site investigation report has been submitted and reviewed by the Coal Authority, who conclude that the assessment has been informed by an appropriate range of historical, geological and coal mining information.

The report identifies that it is possible that shallow coal mine workings may have taken place within influencing distance of the surface that may present an instability risk to the redevelopment of this site, and recommends that intrusive site investigations are required to confirm the actual ground conditions, and to inform the extent of any remedial and/or mitigation measures necessary to ensure the safety and stability of the proposed development.

As such, conditions would be added to secure appropriate investigation and remediation works, in order to ensure the proposal accords with NPPF paras. 183 and 184.

Land quality - contamination

In regard to potential land contamination, the submitted Phase I desktop site investigation report has been reviewed by the Environmental Protection Service (EPS) and is considered satisfactory. The recommended Phase II intrusive site investigations, and the resulting required remediation measures, would be secured with the full set of standard land contamination conditions.

The EPS have advised that the site was subject to major chemical spill in 2020 and is currently being investigated by them and the South Yorkshire Major Incident Team. The submitted report briefly discusses the chemical spill incident.

Despite the increased contamination risk on this particular site, the full set of standard conditions would be adequate in securing a full assessment of the potential risks to human health arising from all issues including ground contamination, ground gases from coal mining legacy, and ground or surface waters. This would ensure the development accords with the NPPF para. 183(a) and the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Amenities of the locality

The site is located in residential area with low to moderate background noise levels. The predominant noise source is road traffic on High Street. The proposal would place commercial retail uses adjacent to residential properties. There is therefore potential for disamenity to arise primarily due to noise and odour. Noise breakout from commercial operations, amplified sound, deliveries, servicing, customers coming and going and external plant and equipment all necessitate consideration.

A Noise Impact Assessment (NIA) was submitted in support of this application, which has been reviewed by the EPS and is considered to adequately assesses the noise impact of external plant and equipment, deliveries, and customer parking, and is considered satisfactory.

The NIA concludes that noise from servicing and deliveries can be controlled by restricting hours to 0700 to 2300, with daytime noise mitigated to acceptable levels by installation of 2.4m high acoustic barriers to the north and south boundaries. The report concludes that noise from parking would be negligible, and noise from plant can be controlled by planning conditions, which is standard practice.

Despite these findings, the proposed location of the delivery bay adjacent to the north residential boundary with no. 63 High Street was not ideal, and due to officer concerns generally with the layout and design of the scheme, the applicant was requested to move the delivery bay as part of the revisions. Following these amendments, the delivery bay is now proposed to be more centrally located within the site and not directly adjacent to any residential boundaries.

This significantly reduces noise concerns associated with servicing and deliveries. However, given the NIA advised that acoustic barriers would be needed to both north and south boundaries, and the amendments have relocated the delivery bay without this being reassessed by an updated NIA, a condition would require a revised NIA and the installation of any subsequently required acoustic barriers.

Standard planning conditions would also control the hours of use (0800-2200 on any day) and limiting amplified sound, further reducing potential noise disturbance to neighbours.

In terms of overbearing and overshadowing, generally the proposed single storey structure would be well separated from neighbours, which are at a higher land level to the south and west and would not lead to any overbearing or privacy issues.

The proposal would extend approx. 28m beyond the rear elevation of no. 63 adjacent to the north, which is at a similar land level. The development would be sited approx. 3.5m in from the boundary, It is acknowledged that this is a significant projection beyond this neighbouring resident, and while the building would be single storey, would still have an approx. height of 8.3m facing this neighbour.

However, in the pre-existing scenario, the pub building presented a two-storey structure facing no. 63, a similar distance from the boundary, projecting approx. 10m beyond this neighbour's rear elevation. While the proposal would project further, the impact on this neighbour's main habitable windows to the rear and the most usable rear garden area adjacent to the dwelling would remain similar to the pre-existing scenario. It is considered that the development is suitably set in from the boundary beyond this to avoid unreasonable overbearing impacts on the remainder of no. 63's rear garden, with further screening provided by boundary treatments (should these be included following the revised NIA).

A standalone Delivery Management Plan (DMP) for the whole site/all commercial

uses would also be required by condition. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures, controls and noise mitigation designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable.

Commercial E class uses, such as restaurants or food retail, could potentially include commercial kitchens, which require appropriate flues and odour control. Careful consideration is required of how fume extraction systems will be ducted to achieve dispersion at height if any commercial kitchen is proposed. Noise of fume extraction systems with fans and fan casing noise, in-duct noise and exhaust point noise sources necessitate consideration. Full details of any such systems would be required by condition before installation.

Should the proposal include external lighting, there is potential for disamenity to off-site sensitive receptors, arising from the use. A full Lighting Impact Assessment would be secured by condition detailing of the impact of light from the development on adjacent dwellings to demonstrate that the lighting scheme is designed to reduce obtrusive light

The construction works will take place with sensitive uses in close proximity. There is potential for disamenity, due to noise, vibration and dust. Development phase concerns would be addressed by requiring a Construction and Environmental Management Plan to ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity.

The above conditions would ensure that the development would have an appropriate impact on the amenities of neighbouring residents. The proposal would therefore accord with UDP Policy H14(c) and not be over-developed or deprive residents of light, privacy or security and (k) not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

The proposal would accord with NPPF paragraphs 130 and 185 and mitigate potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Drainage

The site is within Flood Zone 1 and not an area prone to flooding. No drainage information has been submitted, however, this can be conditioned, in order to ensure appropriate drainage arrangements are implemented and the development accords with Core Strategy Policy CS67 and the requirements of the NPPF Section 14.

Ecology

A Preliminary Ecological Appraisal (PEA) has been submitted showing that the existing site is predominantly developed land, sealed surface with dense scrub and modified grassland to the south and western boundaries of the site. The site's only significant tree has been heavily pollarded.

The application has been accompanied by a landscape masterplan and a biodiversity net gain report and calculations. These have been reviewed by the Ecology Unit and all are considered sound and acceptable.

While the loss of existing vegetation and trees is regrettable, the proposals include a brown roof to the building, a green wall and appropriate native tree and shrub planting. The consultant has used the Defra Metric 3.0 to calculate biodiversity net gain, which should result in a post-development net gain of 17.17%. This is a positive outcome.

In addition, the PEA recommended the following recommended biodiversity enhancements, which should also be included and be conditioned; bat roosting opportunities; bird nesting opportunities; wildlife-sensitive lighting; gaps in boundary fencing for hedgehogs and wood pile habitats.

Overall, the proposal would accord with UDP Policy GE11 and the development has been demonstrated to provide biodiversity net gain, as per the requirements of NPPF section 15.

Sustainability

A key objective of local and national policy is the pursuit of sustainable development. The NPPF details three overarching principles of sustainable development; an economic objective; a social objective and an environmental objective.

While the proposal involves the redevelopment of a brownfield site in a sustainable location, the submitted sustainability statement does not yet adequately address any of the points set out by the requirements of Core Strategy Policy CS64 in order to mitigate climate change, such as outlining how the building would be energy efficient, utilising of renewable energy sources or sustainable materials, for example.

It is accepted that these issues can be addressed as the details are developed following planning approval. Given that CS64 also states that non-residential developments over 500m² gross internal floorspace should achieve a BREEAM rating of very good (or equivalent) as a minimum, this requirement would be conditioned, which would sufficiently address the requirements of the policy overall.

Core Strategy Policy CS64 also requires all significant developments (over 500m²) to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. This would therefore also be conditioned to meet the requirement of this policy.

In an economic sense the redevelopment of the site for the intended purpose will result in local employment opportunities which is to be welcomed.

SUMMARY AND RECOMMENDATION

Larger shops are listed as unacceptable in Housing Areas, unless at the edge of Shopping Areas. The site is an edge of centre location in terms of the NPPF definition. However, para. 87 of the NPPF requires local planning authorities to apply a sequential test to applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The sequential test submitted identifies two vacant properties within the area, neither of which are large enough to accommodate the proposal. As no sequentially preferable sites have been identified, the sequential test has been passed, and the proposal is acceptable in principle.

The concerns regarding the impact on the viability of existing shops are noted, however, Mosborough High Street Local Centre has few vacant properties, and the proposed development is also on the High Street and within easy access of the existing centre, which could equally be argued to increase footfall to support the viability of the centre as a whole by encouraging linked trips.

The proposal would utilise a brownfield site within an existing settlement and would assist the aims of the NPPF section 11, which seeks to make effective use of land, and Core Strategy Policy CS2, which prioritises brownfield land for new business development. The proposal would support the overall settlement plan of the Core Strategy.

The loss of the traditional pub building is a significant, negative aspect of the scheme, and this should not have been demolished without permission. The assessment has assumed that the pub is still in situ.

The pub was vacant and was not listed as an Asset of Community Value, and given there are various drinking establishments in and around Mosborough, the loss could not be argued to lead to a lack of such facilities for this specific local community.

The value of the building is therefore primarily limited to its contribution to the character of the area and street scene, which was positive, as a traditional stone building. However, the building was not listed and the site is not within a Conservation Area.

The assessment has considered the value of the character of the existing building in comparison to the merits of design of the retail scheme proposed, amongst other material considerations. The scale and massing of the building would sit comfortably within the context of the site and the contemporary design approach is considered to be of suitable quality, complimenting the existing mix of architecture along High Street.

An appropriate level of off-street parking and access arrangements have been demonstrated, and the proposal would not lead to an unacceptable or severe impact on the highway, in accordance with NPPF para. 111.

While there has been a chemical spill on the site, and the site lies within a Coal Mining Referral Area, the use of standard investigation and remediation conditions would ensure the site is made safe for its intended use.

Overall, following amendments to the site layout, servicing and deliveries would not cause significant noise disturbance, and this would be addressed by the requirement to undertake a revised NIA and accord with any recommendations, such as the installation of acoustic barriers to the boundaries. The impact on neighbouring daylight and privacy levels has been demonstrated to be acceptable.

Drainage and sustainability requirements are secured by condition to ensure that the proposal accords with local and national policy.

Despite the loss of existing vegetation, the proposed landscaping scheme, including replanting of native species, the use of a brown roof and other ecological enhancements, would result in a biodiversity net gain of 17.17%, which is a positive advantage of the scheme and to be welcomed. Local employment opportunities would also be a positive aspect of the scheme.

Overall the proposal is considered to represent sustainable development and it is therefore recommended that planning permission should be granted subject to the listed conditions.