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Case Number	22/00101/FUL (Formerly PP-10504259)
Application Type	Full Planning Application
Proposal	Erection of extension to existing industrial/warehouse unit (Use Classes B2 and B8)
Location	Welbilt Uk Ltd Provincial Park Nether Lane Sheffield S35 9ZX
Date Received	11/01/2022
Team	North
Applicant/Agent	Arcus Consulting LLP
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 shall be carried out in accordance with the following drawings:-

- Drawing No. AL(0) 101 Revision D (Proposed Floor Plan)
- Drawing No. AL(0) 115 Revision B (Proposed Elevations)

published on the 22 August 2022

- Drawing No. AL(9) 100 Revision B (Proposed Factory Layout)
- Drawing No. AL(0) 110 Revision B (Proposed West and North Elevations)
- Drawing No. AL(0) 111 Revision B (Proposed East and South Elevations)
- Drawing No. AL(0) 112 Revision A (Proposed Roof/Drainage Plan)
- Drawing No. AL(0) 116 Revision A (Proposed Elevations showing Existing Ground Levels)
- Drawing No. AL(0) 117 Revision A (Proposed Elevations showing Existing Tree Line)

published on the 11 January 2022

- Drawing No. AL(9) 101 Revision A (Proposed Landscape Plan)

published on the 26 January 2022

- Transport Statement (Mode Transport Planning - dated 29 November 2021)
- Arboricultural Report & Impact Assessment
- Preliminary Ecological Appraisal (PEA) Survey and Preliminary Roost Assessment (PRA) Report (estrada Ecology - dated October 2021)
- Noise Impact Assessment (dated 27 April 2022)
- Phase 1 Desktop Site Investigation
- Phase 2 Site Investigation Report
- SUDs/Drainage Statement (Reference No. RO/DS/21168.1 - dated March 2022)
- Sustainability Statement (dated January 2022)

published on the 11 January 2022, 26 January 2022, 23 May 2022 and 4 July 2022

Reason: In order to define the permission

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

3. 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.

4. 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.

5. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety, operational needs and integrity of the railway

6. No work shall commence on site until full details have been improved in writing by the Local Planning Authority of the details and location of turning areas, parking and loading areas, which shall include where appropriate the installation of suitable vehicle incursion measures. Armco or similar barrier should be located in positions

where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing.

The development shall be carried out in accordance with the approved details and all measures retained during the course of the construction works.

Reason: In the interests of the safety, operational needs and integrity of the adjacent railway line

7. 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.

8. No development or other operations shall take place except in complete accordance with an approved Arboricultural Method Statement and Tree Protection Plan, which shall first be submitted to and approved in writing by the Local Planning Authority. The erection of barriers for the protection of any retained tree shall be undertaken in accordance with the approved Tree Protection Plan before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure trees are adequately considered and protected during construction of the development.

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

9. 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.

10. 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.

11. Prior to use of the development hereby permitted commencing, a Noise Management Plan shall be submitted for written approval by the Local Planning Authority. The plan shall set out procedures and controls designed to minimise local amenity impacts from operational noise, as far as reasonably practicable. The measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: In the interests of residential amenity.

12. Before above ground works commence, a scheme for biodiversity enhancement using the DEFRA Biodiversity Metric 3.0 Calculation Tool, such as the incorporation of permanent bat roosting feature(s), replacement tree planting, and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

Reason: In the interests of securing biodiversity enhancement throughout the development site

13. The development shall incorporate all the recommendations set out at Paragraph 6 of the Preliminary Ecological Appraisal (PEA) Survey and Preliminary Roost Assessment (PRA) Report prepared by Estada Ecology. These shall include but not limited to the following:-

- Vegetation clearance works of the scrub are undertaken outside the breeding bird season (March to September - inclusive).
- Removal of all invasive species (Rhododendron) on site.
- Precautionary Method Statement relating to potential badger activity

- A suitable lighting scheme to prevent excess light from splaying over the woodland and adjacent railway to the east, south and west. Such scheme to follow guidance set out in Guidance Note 8: Bats and artificial lighting (Bat Conservation Trust 2018)

- Erection of bat and bird boxes

A report covering the aforementioned matters shall first be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use and such measures shall be implemented before the development is brought into use and thereafter retained.

Reason: In the interests of ecology and biodiversity enhancement.

14. Before the use hereby permitted commences, a Lighting Impact Assessment giving details of the impact of light from the development on adjacent dwellings shall be submitted to and approved in writing by the Local Planning Authority.

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 Lighting Impact Assessment shall include the following:-

- Description of the existing and proposed lighting;
- Drawings showing the illuminance levels (separate drawings for each item listed).
- Plan showing horizontal illuminance levels (E<sub>h</sub>), showing all buildings within 100 metres.
- Plan showing vertical illuminance levels (E<sub>v</sub>), showing all buildings within 100 metres.
- Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- Proposed operational hours.
- A statement of the need for lighting.

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

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

15. Full details of any external lighting erected adjacent to the railway line shall be submitted to and approved in writing by the Local Planning Authority, in advance of the extension being brought into use. The lighting shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of the safety, operational needs and integrity of the adjacent railway line

16. A comprehensive and detailed hard and soft landscape scheme for the site, to include the planting of a minimum of 20 new trees, 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 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.

If any tree fails to survive it should be replaced and allowed to successfully establish. You shall notify the Local Planning Authority when the planting has been carried.

Reason: In the interests of the amenity and to ensure the Local Planning Authority can confirm when and where the specified replanting has been carried out.

17. No trees shall be planted adjacent to the railway line unless first receiving the written express consent from the Local Planning Authority in conjunction with Network Rail. Where trees and shrubs are to be planted adjacent to the boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing.

Reason: In the interests of the safety, operational needs and integrity of the adjacent railway line.

18. Unless it can be shown not to be feasible or viable 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.

19. 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.

20. 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.

21. Details of a 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 development 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.

### **Other Compliance Conditions**

22. 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.

23. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 13.1 litres per second.

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

Attention is Drawn to the Following Directives:

1. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;
  - Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;
  - Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
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](mailto:eps.commercial@sheffield.gov.uk).

3. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

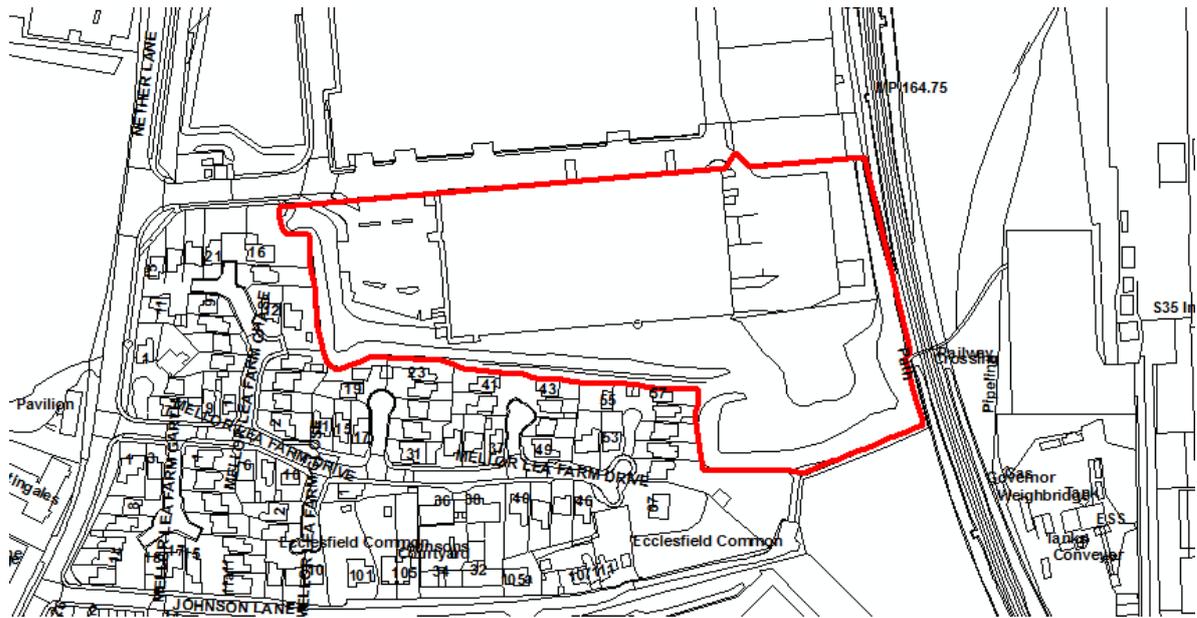
Ecology Unit  
 Sheffield City Council  
 West Wing, Level 3  
 Moorfoot  
 Sheffield  
 S1 4PL  
 Tel: 0114 2734481/2053618  
 E-mail: [parksandcountryside@sheffield.gov.uk](mailto:parksandcountryside@sheffield.gov.uk)

4. Build-over of the watercourse is subject to Lead Local Flood Authority consent provided the following conditions are followed:
  - The culvert under the build-over is a single straight run and any obstructions/deviations/bends under the build-over are removed
  - Suitable safe access is provided upstream and downstream of the build-over for maintenance
  - A pre-commencement (design stage) and post construction CCTV survey of the culvert is provided to demonstrate the culvert has not been functionally or structurally impaired by the works.
5. For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to

railway tunnels (including tunnel shafts) please email  
assetprotectioneastern@networkrail.co.uk.

6. 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.

## Site Location



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## LOCATION AND SITE CHARACTERISTICS

The application relates to a large factory unit, known as Wellbit in Ecclesfield.

The factory unit is included within Provincial Park, situated along the eastern side of Nether Lane. The site is surrounded by industrial units to the north, to its east is a railway line, and to its south and southwest are residential properties of Mellor Lea Farm Drive. The applicant (Wellbit) is a global leader in the manufacture and supply of professional catering equipment such as microwaves, ovens and coffee machines.

The site covers a total area of approximately 2.95 hectares that includes the existing building, service yards and associated open space. The building is rectangular in form with an external footprint of approximately 132.7m by 67.5m. Its height to eaves is 8.46m and to ridge is 11.18m. The manufacturing and storage components of the facility are all carried out at ground floor with a small area to the front of the building comprising first floor offices. The building and associated parking and loading areas comprise the northern section of the site, with open grass, scrub and woodland areas to the south. The open grass area lies immediately to the south of the loading area and is banked up from the main site area. The site is bordered along its southern, western and eastern sides by semi-natural woodland.

Staff parking for approximately 100 vehicles is provided to the front (western) section of the building. Access to the site's rear loading area is via an access road that extends along the northern side of the building.

The application site is situated in a Fringe Industry and Business Area as identified on the UDP Proposals Maps.

## PROPOSAL

The applicant is seeking full planning permission to erect a 4,430 square metre extension to the building including alterations to the existing building's loading bays and the service yard. The proposed extension is being sought to facilitate additional capacity for both production and storage facilities on site.

The existing vehicular access arrangements and car parking provision would remain unaltered.

## RELEVANT PLANNING HISTORY

09/02723/FUL - Enclosure of existing covered storage area – Granted 12 October 2009

21/03780/PREAPP - Pre-application advice - Extension to factory and alterations to existing loading bays and yard – Closed 30 September 2021

## SUMMARY OF REPRESENTATIONS

Sixteen letters of objection have been received in response to this application. These are summarised below.

## Amenity Issues

- Provincial Park is too close to the Mellor Lea Farm Housing Estate in the first instance.
- The last extension caused major problems and noise especially when they worked through the night. The Wellbit establishment already causes too much noise now including at night time. Once the fire doors are open, they become a hot spot for smoking, loud music and bad language.
- If the company is growing, this should be elsewhere;
- The plans show the building coming up close to the neighbouring properties' boundary
- Lighting does not seem to be controlled. The night-time glow is unacceptable by current standards
- The current aspect to the rear of residential properties is tranquil and adds to wellbeing and quality of living.
- Although some of the trees will remain, the planned reduction will result in a significant eye-sore particularly in the winter
- The Council should not be supporting use of this land for further industrial use and should value health and wellbeing of its communities and encourage further industrial expansion in more appropriate areas.
- The extension would extend along the back of properties, hemming residents in and resulting in unacceptable overlooking.
- There is a doubling of loading bays, which is a good indicator of increased production and therefore noise and light pollution

## Highways

- 100 new jobs could possibly equate to 100 new cars in an already busy area.
- Traffic on Nether Lane is already horrific. Nether Lane is already a dangerous road in terms of the amount of traffic on it and the speed of the vehicles that use it. This road has already had at least one fatality over the last few years and it is only a matter of time before it happens again. School children use this road to cross to use the footpath up to Ecclesfield secondary school.
- A bigger building will only add to the congestion in the area.
- There will be an increase in environmental pollution due to the extra vehicle movements.
- More traffic noise will be created.
- The site glows like a Christmas tree from all the car park floodlighting.

## Wildlife

- Concerned about the number of buildings being erected in the area that was once full of wildlife, which will now have to look for a new home.
- The site would better be used to promote wildlife
- Sanctuaries and further planting of trees should be provided for an improved environment.
- Residents regularly see wildlife in the tree cover such as birds, squirrels, owls and foxes

- There are nesting birds within the existing trees
- The proposed new tree planting is inadequate
- The applicant has failed to manage the existing trees with branches continuing to cause dangerous situations to arise.

#### Other

- The current provision of trees is unacceptable and poorly managed. The poplar trees are splitting / falling back. They provide insufficient cover in winter months.

#### Non-planning related matters

- The values of properties particularly behind the proposed factory extension will also be affected and residents would seek compensation in this case.

Ecclesfield Parish Council are in full support of the neighbours' objections and concerns raised in relation to this application. The Committee would like to request a site visit from the planning officer to this site with regard to the objections relating to noise pollution, lighting and the proposed development being overbearing.

### PLANNING ASSESSMENT

#### 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 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

The NPPF is a material consideration in planning decisions. The NPPF was published in 2012 and has subsequently been revised in 2018, 2019 and 2021 with consequent changes to some paragraph numbering.

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:

- 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.
- 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.

In this instance, the application site is not situated in a protected area and does not include any assets of particular importance where specific protection is given under paragraph 11 of the NPPF. As such, the relevant policies contained in the development plan relating to the development are not automatically out of date and are considered to be applicable in the assessment of this application.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and government policy contained in the NPPF. It is considered that the main issues relevant to this application are:

- Principle of Development – Land Use Planning
- Highway Matters
- Design
- Residential Amenity
- Landscaping
- Drainage and Flooding
- Ecology and Biodiversity
- Sustainability
- Ground Conditions
- Other Matters

#### Principle of Development – Land Use Planning

The application site is situated in a Fringe Industry and Business Area. The application should therefore be assessed against UDP Policies IB6 and IB9.

UDP Policy IB6 states that in Fringe Industry and Business Areas, preferred uses are Business (B1) and General Industry (B2) and Warehousing (B8) with Housing (C3), Hostels and residential Institutions included within the list of acceptable uses.

UDP Policy IB9 sets out a number of conditions that development in Industry and Business Areas are required to meet. These include at part a) that the development 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.

These policies are considered to be broadly consistent with the NPPF, which states at paragraph 83 that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

The proposed development would not conflict with these policies with the proposal involving the erection of an extension that would provide additional storage facilities in connection with the site's established manufacturing and business use. As described, the proposed extension is being sought to increase production and increase the amount of warehousing space on site with the volume of units manufactured on site being increased from 240 per day to 320 per day. In light of the above the principle of the development is acceptable, subject to compliance with other relevant matters, considered in the sections below.

## Highway Matters

UDP Policy IB9 sets out at part (f) that in Industry and Business Areas, new development will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and be provided with appropriate off-street parking.

This policy is not fully consistent with government policy contained in the NPPF, which states at paragraph 111 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. The requirement to provide appropriate off-street parking is not therefore reflected in the NPPF, with government policy suggesting that the shortfall of off-street parking within a scheme should only be refused in instances where this would result in an unacceptable impact on highway safety or lead to severe impacts on the road network.

As described, the application has attracted a high number of representations mainly from the residents of Mellor Lea Farm Drive. The concerns raised from a highway perspective include the extra demand for parking, traffic congestion, environmental pollution due to the extra vehicle movements, traffic noise and excessive floodlighting from the site's car park.

The application has been supported by a Transport Statement which focuses on the access arrangements, deliveries, trip generation and car parking provision.

As described, the extension would have a floor area of some 4,430 square metres. The proposal includes alterations to the loading bays and the service yard with no changes to the vehicular access arrangements or car parking provision.

With the extension, the total gross floor area (GFA) on the site would be 13,245 square metres. On the basis of the entire site being B2, Sheffield car parking guidelines would allow a maximum of 1 space per 75 sq.m GFA and 5% disabled parking, giving a total of 177 car parking spaces and 9 disabled spaces. This differs in the event of the site being entirely B8, where Sheffield car parking guidelines would allow a maximum of 1 space per 200 sqm GFA and 5% disabled parking, giving a total of 66 car parking spaces and 3 disabled spaces.

The existing car park capacity is 100 spaces, 2 disabled spaces and 12 bicycle parking spaces, which falls within the range for B2/B8 uses. The submitted drawings indicate more of a leaning towards B8 use, so on the basis of this, it is considered that in this instance, the amount of car parking provision on site is acceptable. The most recent satellite image on Google Maps of the site, (which appears to have taken during the working week) shows very few cars are parked on the local surrounding highway network. The satellite image shows 33 unoccupied parking spaces within the development site's existing 100 space car park, which suggests in officers' opinion that there is sufficient spare capacity to accommodate demand from the proposed extension.

The vehicular access arrangements in and out of the site would remain unaltered.

There would, however, be alterations to loading bays and the service yard. Some swept-path analysis has been submitted to demonstrate that the bays and service yard can accommodate 16.5-metre-long articulated lorries, which are legally the largest that can be driven on public highways.

Trip generation for the extension has been derived from the computer database TRICS, for a commercial warehouse use. For the weekday am-peak, 10 two-way trips are anticipated to be generated, with 9 two-way trips during the pm-peak. This suggests only a negligible impact on the local highway network.

One of the representations mentioned light spillage from the site's existing car park at night-time. Given the application proposes no increase to car park capacity (or any other alterations to the nature of the car parking) it is not justified in officers' view to request a review of illumination within the car park as part of this application.

Having reviewed the objections and considered the content of the submitted Transport Statement, it is considered that from a highway perspective, the proposal is acceptable and would not conflict with UDP Policy IB9 at part f or government policy contained in the NPPF.

## Design

Policy BE5 (c) seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, and that designs should take advantage of the site's natural features.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

These policies are considered to be broadly consistent with government policy contained in the NPPF, although no reference is made in the NPPF to the requirement that the scale and character of the proposed development having to reflect that of neighbouring buildings. Government policy is contained in Chapter 12 of the NPPF (Achieving well-designed places) and states that good design is a key aspect of sustainable development, which creates better places in which to live and work. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to say that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

As described, the applicant is seeking to erect a 4,430 square extension to the

building to provide additional manufacturing and storage capacity. The proposed extension would be erected at the building's south-eastern corner, linked by a glazed structure. To accommodate the extension, the existing loading bays and infill ramps along the eastern elevation would be removed to create a seamless link from the main factory building through to the extension.

The extension would be sited within the open grassed area and extend partially into the wooded area adjacent to the building's southern elevation. The proposed height of the new extension adopts the height of the existing building and would have an external footprint of approximately 67.86m by 66.5m, approximately half the size of the original building. The extension would reflect the materials of the existing building, which would include buff facing brickwork with blue coloured contrasting band, metallic silver cladding panels, plastisol coated composite roof (Goosewing grey) and dark blue steel struts. Along its northern elevation (facing the loading area) would be a series of loading docks. No windows are proposed along its eastern, southern or western elevations.

It is considered that the proposed extension represents an acceptable form of development that would adequately respond to the design quality of the existing factory building. While the extension would be of substantial size, it is considered that the scale and massing of the building would be in-keeping with the existing factory building. The extension is of acceptable design quality that would sit harmoniously next to the existing building. The glazed link that forms the connection between the two buildings is welcomed as is the feature dark blue metal struts that supports the roof, which would replicate the form and architectural components of the existing building. It is considered that the extension responds positively to the site context, allowing for generous space separation from neighbouring properties, no overlooking of neighbouring properties and retention of the majority of the mature landscaping to its south and south-west.

#### Residential Amenity

UDP Policy IB9 'Conditions on Development in Business and Industrial Areas permits new development or change of use proposals provided that b) the site would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

This policy is broadly in line with government guidance contained in the NPPF, where it states at Paragraph 130 part (f) that decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

As described, a high number of objections have been received, primarily from the residents of Mellor Lea Farm Drive. A large number of these objections relate to noise disturbance from the existing operations of the site, which objectors consider would be increased through the expansion of the manufacturing operations on site. Other amenity concerns relate to the proximity of the extension to neighbouring properties, with some residents of Mellor Lea Farm Drive raising concerns with the proximity of the extension to properties within the estate that could harm their outlook.

In terms of noise, owing to the number of concerns raised, the applicant commissioned E2 Consultants Ltd to carry out a Noise Impact Assessment (NIA dated April 27, 2022) to determine the noise impact of the proposed development on the local population. The NIA details that a secondary survey has been conducted to reaffirm the current background noise levels at the closest sensitive receptor, and also an internal noise assessment of plant and machinery noise within the existing building. The applicant has also submitted a Noise Management Plan in response to noise complaints concerning the existing factory.

The NIA details that the new proposed delivery area would be located to the south-east of the current area and perpendicular to the existing delivery bays. The proposed delivery bays will change from their current orientation of the delivery to the main site that would create a barrier to the nearest sensitive receptors at Mellor Lea Farm Drive. The NIA also notes that a mound divides the boundaries of the proposed development to these residential properties.

The survey found that delivery vehicles idling and being loaded is the greatest noise issue on the site. The location of the new loading area behind the proposed extension is shown to reduce the noise impact of the facility on the local residential area. In addition to this, it is also stated that the new facility will reduce the noise impact from other sources in the area due to the natural barrier it creates. Modelling carried out in respect of the current delivery bay area showed that the direct noise impact on the closest receptor was 29dB. This value would be reduced to 19dB daytime and 10dB night-time once the new facility for deliveries is in place and that the noise source would be rotated 90 degrees away from the nearest sensitive receptors. The report concludes that the introduction of the new delivery area will be of benefit to the local residents through the reduction of current noise levels from the site.

An assessment has also been carried out to establish whether the development would lead to any significant noise breakout from the increased production on site from the extended building. Details within the NIA show that there would be a 20dB reduction from the factory floor, which was obtained with the vents open. The applicant has confirmed, which is evidenced from the supporting floor plans that the extension is being sought to store finished goods. There is no perceived addition of noise levels other than the likelihood of an increase in deliveries (which has been accounted for in the report). There is no planned expansion of machinery or hours of work and therefore there is going to be little to no increase in any workplace/production noise levels within either the existing or the new extension.

Environmental Protection Service (EPS) has inspected the NIA and Noise Management Plan and is generally satisfied with their findings. It is considered that neighbouring properties would not be unduly harmed from any significant noise disturbance that would harm their residential amenity. The NIA evidences that noise levels from the site, which are largely generated from the loading area would be significantly dissipated by the siting of the proposed building between the loading area and the nearest noise sensitive receptors at Mellor Lea Farm Drive. A site visit carried out by EPS found that the extension is going to be largely used for storage space and is not being sought for extra production lines that could generate any significant noise disturbance. The extension would also not have any air conditioning units or ventilation louvres on the elevations nearest to residential properties. In

addition to this, officers were advised that most of the work on site is carried out in two daytime shifts, which finish at 2200 hours and that the main assembly line shift ends at 3.30pm. The applicant has also confirmed that there is no intention to introduce night shifts for the main assembly lines or significantly intensify production during the day or at weekends in connection with the proposal. In terms of the current noise complaint at the premises, the applicant has confirmed that they are seeking to resolve this by ensuring that the louvres nearest to this neighbouring property closes at 2200 hours.

Environmental Protection Service (EPS) is generally satisfied with the findings of the Noise Management Plan and raise no significant concerns subject to the submission of a revised NIA to account for the closure of the building's existing and proposed ventilation system between the hours 2300 and 0700 hours, as opposed to 0000 and 0600 hours as the former is the normal night-time hours for the purpose of noise assessment.

In terms of the proposed siting of the extension, it is considered that any effect on the residential amenity of neighbouring properties would not be so significant so as to be harmful. It is not considered that the extension would have an overbearing appearance or lead to any significant loss of outlook that would harm the properties at Mellor Lee Farm Drive. At pre-application stage, officers were mindful that any large extension erected close to residential properties at Mellor Lee Farm Drive could be harmful owing to the proximity of the site and the change in levels between the site and these properties. and advised the applicant to provide cross section drawings as part of the full planning application to illustrate the relationship. These are shown on Drawing Nos. AL(0) 116 Revision A (Proposed Elevations showing Existing Ground Levels) and AL(0) 117 Revision A (Proposed Elevations showing Existing Tree Line).

The supporting cross section drawings show that the proposed extension, owing to the elevated levels of the site to the adjacent housing estate would be elevated (approximately 5m) from the finished floor levels of the immediate properties (Nos. 57-63) that back onto the site. However, the separation distance between the nearest properties and the extension (at its closest) range between 30.5m and 34m, a distance which in officers' opinion is considered adequate to prevent any significant loss of outlook or result in the building having an overbearing appearance. Moreover, the area between the back of the residential properties and the proposed extension is currently covered by an extensive tree belt, which currently provides an attractive landscaped buffer and natural screen of the site from the rear gardens of the neighbouring properties. This area would be largely retained and supplemented with additional tree planting, which should ensure that views of the extension would be limited and unlikely to appear overly prominent that would lead to any significant loss of amenity.

The proposed extension would be located to the east and over 30m from the nearest residential properties (Nos. 57-63). The siting of the extension as proposed should not therefore lead to any significant overshadowing from the building. Any shadow cast would be minimal and unlikely to be any greater than what currently arises from the adjacent trees.

It is noted that a number of residents have raised concerns with regard to light

pollution emanating from the existing site. It is considered reasonable in officers' opinion to seek a lighting strategy for the overall site given the concerns raised. This strategy would examine both the existing and proposed lighting across the site to ensure that light levels and any light spillage that could harm the amenity of neighbouring properties is adequately controlled and managed.

## Landscaping

UDP Policy GE15 relates to trees and woodland and states that trees and woodland will be encouraged and protected by a) requiring developers to retain mature trees, copses and hedgerow, wherever possible, and replace any trees which are lost, and c) not permitting development, which would damage existing mature and ancient woodlands.

This policy is broadly consistent with government policy contained in paragraph 175 of the NPPF, where at part c) it states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

The application was accompanied by a Tree Survey Report and an Arboricultural Impact Assessment (AIA) prepared by AWA Tree Consultants. The survey revealed 23 items of wooded vegetation that comprised 15 individual trees and 8 groups of trees or shrubs. All trees surveyed have been identified as being retention Category C (Low Quality) with no trees within the survey being either Category A (High Quality) or B (Moderate). The species diversity is considered to be reasonable, which include ash, birch, cherry, hawthorn, poplar, sycamore and willow.

To accommodate the proposed extension, 6 individual trees (T3, T4, T5, T7, T9 and T13) and 2 tree groups (G10 and G11) will require removal as they are either situated on the footprint of the extension or their retention and protection during the development phase is not considered desirable. The report details that these trees and groups are all lower value and have negligible value in the wider landscape, and therefore their removal will have a negligible negative arboricultural impact.

Some further trees within Tree Groups G1, G8 and G12 will also need to be removed to facilitate the development. In terms of tree groups G1 and G8, the Arboricultural Impact Assessment comments that these comprise low value individual trees and shrubs and that their partial removal will have a negligible negative impact. In terms of G12, this group of trees are considered to have a reasonably prominent presence in the local landscape, but owing to the trees being predominately of very low value, typically young or semi-mature, it again has been found that the removal of a section of these group will have a low overall arboricultural impact. Moreover, it is considered that the retention of the trees to the east, south and west of the group will help to minimise the loss of visual amenity from their removal.

To mitigate for the loss of the trees, the report details that the site provides an excellent opportunity to undertake new tree planting across the site, which would help mitigate for the tree loss, and in the long term has the potential to improve the site's tree cover.

It is considered that the supporting Arboricultural Impact Assessment (AIA) is robust and represents a reasonable and sound assessment to the impact of the development on the site's trees. It is acknowledged that a number of trees would need to be removed in connection with the development, and while this is regrettable, it is considered that their removal would not have a significant or detrimental impact on the wider landscape. As described in the AIA, it is considered that the loss of the trees should be compensated with replacement tree planting across the site as part of a soft landscaping scheme. It is therefore recommended that a condition be attached that requires the applicant to undertake extensive tree planting as part of a comprehensive hard and soft landscaping scheme for the site. As a minimum, this should include the planting of 20 replacement trees, new shrub planting and new wildflower planting zones that takes into account the proximity of the railway line and advice given by Network Rail in terms of species and distance to railway line. A further condition should also be attached that requires the retained trees to be protected during the development through protective fencing and construction exclusion zones to prevent these being placed at undue risk from damage from machinery, materials and equipment.

#### Drainage and Flooding

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

Government policy relating to planning and flood risk is contained at Paragraphs 159-169 (inclusive). Paragraph 159 sets out that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. At Paragraph 161 sets out that plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change.

Paragraph 167 of the NPPF states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere and at Paragraph 169, it says that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should amongst other things take account of the advice of the Lead Local Flood Authority, and have appropriate proposed minimum operational standards.

The application was accompanied by a Flood Risk Assessment (FRA) prepared by Arcus Consulting. The FRA identifies that the site is in Flood Zone 1 and is deemed to be at low risk of flooding. Within Flood Zone 1, the proposed accommodation should remain protected from watercourse flooding for all events up to and including the 1000-year flood event.

The FRA goes on to say that there is a small area of high risk within the proposed new unit footprint and a further area to the north-west which would not impact the development. The area of high risk is not overland flows and is associated with ponding of water. It is anticipated that as part of the construction phase, new drainage will be introduced that removes the existing onsite flooding issue.

It is understood that there is historic flooding associated with the culvert failure on the site, which has impacted third parties. As such the culvert will need to be surveyed prior to construction to ensure it remains functional and does not cause a potential risk to third parties. These works would include a new manhole to the side of the existing building to ensure clear access, a CCTV survey of the culvert, which will determine the line of the culvert and whether any realignment will be required.

The supporting Drainage Strategy (dated March 2022) prepared by RWO examines the implications of the development in relation to foul and surface water drainage. The site's surface water is currently drained via a private drainage system that discharges into a culvert that is located to the northeast of the site. The culvert watercourse wraps around the northern end of the existing building with flows being conveyed towards the east, which discharge under the rail track, and understood to dissipate into the adjoining woodland area.

The Strategy details that surface water will discharge to the watercourse at a rate of 13.1 litres/second in line with the existing discharge rate of the building. Matching the previously approved discharge rate should ensure that there is no increase downstream in the risk of flooding. Foul water drainage will discharge to the public sewerage system, subject to relevant consent and approvals from the relevant authorities.

The Lead Local Flood Authority (LLFA) has inspected the drainage strategy and considers that it is acceptable subject to the attachment of conditions. They concur with the findings of the strategy that a survey of the watercourse (culvert) should be undertaken to determine the size, depth, location and condition of the existing watercourse. They also acknowledge that surface water to infiltration (into the ground) is not appropriate for this site as set out in the supporting SUDs statement and agree to the discharge of surface water to the culverted watercourse. They also find the peak discharge rate of 13.1 l/s is acceptable, which is based on previously imposed greenfield runoff rate for the existing building.

### Ecology and Biodiversity

UDP Policy GE11 relates to nature conservation and development, and it states that the natural environment will be protected and enhanced. It goes on to say that 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.

These policies are broadly consistent with government policy contained in the NPPF at paragraph 174, which sets out that decisions should contribute to and enhance the natural and local environment through measures that include a) protecting and enhancing valued landscapes, sites of biodiversity, and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 180 of the NPPF sets out that when determining planning applications,

local planning authorities should apply a number of principles, including a) that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The application was accompanied by a preliminary Ecological Appraisal (PEA) Survey and preliminary Roost Assessment (PRA) Report prepared by Estrada Ecology (dated October 2021).

The survey site, outside the built up area is stated to comprise tall ruderal communities, semi-natural woodland, amenity grassland and continuous scrub.

The report details that no badger field signs were recorded, no evidence of use by western European hedgehog was apparent and the site provides hostile conditions for reptiles and riparian/aquatic mammals due to lack of waterbodies and unsuitable terrestrial habitat. The site does not support habitat for any other protected or significant fauna such as barn owl, dormouse or brown hare. No ancient semi-natural woodland or ancient replanted woodland is present within 100m of the site.

The site survey found the site to be a good suitability for breeding birds due to the woodland and dense vegetation, but no nests or breeding activity was recorded. It was also found that the site and adjacent land has good suitability for use by bats for commuting/foraging, particularly as the surrounding environment being dominated by open vegetated areas and large woodland which bats could utilise.

The majority of the development site area comprises of amenity grassland which is located centrally within the site. This appeared well managed with evidence of recent mowing and maintenance. Sward height was low and species composition was poor. All trees within the development footprint were subject to a ground level roost assessment by a licenced bat ecologist to survey their potential to support roosting bats. No trees that were surveyed within the development boundary recorded any potential roosting features which bats could utilise.

The report concludes that no direct or indirect impacts are expected from the development. Due to the size of the proposed development, it is considered likely that any ecological impacts will be restricted to site level only, as works will be concentrated within the site itself and no impacts are predicted on statutory designated or non-statutory designated sites. In terms of bats, while no features were recorded within the site which could support bats for roosting or as a place of shelter, the woodland immediately adjacent to the south and west of the site comprises semi-mature trees which could have potential to support roosting bats. It was also noted that the railway to the east has the potential to support foraging and commuting bats being a linear feature bordered by priority habitat deciduous woodland. As the adjacent woodland and railway line has the potential to support roosting bats, foraging and commuting bats, the report recommends that a suitable lighting strategy should be provided that prevents excess light from splaying across the woodland in the south and west, as well as the railway in the east. The report also details that despite no field sign evidence to suggest that badgers are using the site and surrounding area, a precautionary method statement should be implemented during

the development relating to potential badger activity due to the species being highly mobile. An invasive species (Rhododendron) was identified in a single strand at the north-eastern corner of the site, which should be properly cleared from site.

It is considered that these matters can be controlled by a suitably worded planning condition.

In terms of mitigation and biodiversity enhancements as required by the National Planning Policy Framework (NPPF), the report details that upon finalisation of plans and the landscaping scheme, post development calculations can be complied. Habitat enhancements for this scheme could include the integration of bat and bird boxes, native tree, shrub and hedgerow planting and open boundary treatments to allow safe passage for small mammals including hedgehogs. It is recommended therefore that a further condition be attached that demonstrates that the application includes biodiversity enhancements using the DEFRA Biodiversity Metric 3.0 Calculation tool.

### Sustainability

Core Strategy Policies CS63, CS64 and CS65 of the Core Strategy, as well as the Climate Change and Design Supplementary Planning Document (SPD), set out the Council's approach to securing sustainable development.

Policy CS63 gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption, carbon emissions and that generate renewable energy.

Policy CS64 sets out a series of actions to reduce the city's impact on climate change. These actions include the requirement of commercial developments of 500m<sup>2</sup> or more to achieve BREEAM very good and provide 10% of their predicted energy needs from a decentralised and renewable or low carbon energy source. Policy CS65 relates to renewable energy and carbon reduction, and states that all significant developments will be required, unless this can be shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent 10% reduction in a development's energy needs from a fabric first is also acceptable (although not referenced in the policy).

These policies are considered to be consistent with government policy contained in the NPPF and should be afforded significant weight. Paragraph 157 confirms new development should comply with development plan policies for decentralised energy supply unless it is not feasible or viable having regard to the type and design of development proposed. Landform, layout, building orientation, massing and landscaping should also be taken into account to minimise energy consumption.

The NPPF identifies three dimensions to sustainable development, these being economic, social and environmental.

The application was accompanied by a Sustainability Statement prepared by Arcus Consulting. The statement sets out that the proposal forms an integral part of a wider strategic plan for the future expansion of the business, which will make a contribution to the local and regional economy by creating further employment, forecast to be an

additional 100 additional jobs. The Statement goes on to say that the applicant is already contributing substantially to the local and regional economy, and that through this proposal, would also significantly contribute to the sustainability of strong, vibrant and healthy local communities in the future through the provision of significant employment opportunities for local people in a location which is readily accessible to them. It is considered that the development would meet the economic and social dimensions of the Framework in delivering sustainable growth.

In terms of the environmental role, the Framework identifies that sustainable development should seek to protect and enhance the natural, built and the historic environment, improving biodiversity, using natural resources, minimising waste and pollution mitigating and adapting to climate change including moving to a low carbon economy. These aims are generally reflected in Core Strategy Policies CS63, CS64 and CS65.

In respect of this, the Sustainability Statement details that the proposal will consider a range of measures to drive energy efficiency, and amongst others will seek to include efficient cooling systems, high levels of air tightness, high levels of insulation, efficient lighting, rainwater recycling and solar PV panels.

It is clear from reading the Statement that the broad aims of the proposal in meeting the government's three dimensions of sustainable development would be met. Other than stating that it is the applicant's intention to consider a range of energy efficiency and conservation measures, no specific details have been given to demonstrate how the proposal would meet the policy requirements of Core Strategy Policies CS63, CS64 and CS65. It is therefore recommended that conditions be attached to any grant planning that ensures that the proposal fully satisfies these policy requirements and that as a minimum, 10% of the predicted energy needs of the development is derived from renewable or low carbon energy source and that BREEAM very good is met.

#### Ground Conditions

UDP Policy GE25 relates to contaminated land and states that where contamination is identified, development will not be permitted on, or next to, the affected land unless the contamination problems can be effectively treated so as to remove any threats to human health or the environment.

This policy aligns with paragraph 183 of the NPPF, which requires a site to be suitable for its intended use taking account of ground conditions, land instability, contamination, natural hazards and/or previous activities such as mining.

The application site falls within the defined Development High Risk Area for former coal mining activities, which means that the site and surrounding area may contain coal mining features and hazards which need to be considered as part of this application.

The application was therefore accompanied by a Phase 1: Desk Study (dated November 2021) prepared by Solmek Ltd. This report identifies that the application site may have been subject to past coal mining activity, with the Coal Authority

indicating that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. The report confirms that it would be prudent to drill rotary boreholes to establish the exact situation with regard to potential unrecorded shallow mine workings and to establish any necessary remedial measures. A subsequent Phase 2 Site Investigation Report was submitted by the applicant during the course of the application which shows that a rotary borehole investigation (as required by the Phase 1) was carried out to determine the site's ground conditions. This investigation encountered no shallow coalmine workings on site.

The Coal Authority accept the findings of the second report and have revised their initial recommendations and concur with the authors of the report that the application site is safe and stable for the proposed development and raise no objection.

In terms of land contamination, in addition to the Phase 1 Desk Study, as referenced above, the applicant has also submitted a Phase 2 Site Investigation Report. The Phase 1 report states that there is an historical landfill within 250m, made ground on site, and possible contamination from construction/demolition waste, railway waste and contamination from the nearby steelworks. The Phase 2 report gives results to date and show that the land is not likely to be contaminated and will be suitable for its intended use. Gas monitoring has commenced and the results will be available at a later date. Drilling of rotary boreholes to determine the situation with respect to unrecorded shallow mine workings will also be carried out and reported on separately.

Environmental Protection Service (EPS) has commented that they are satisfied with the progress of the site investigation and recommend that the usual suite of land contamination conditions be attached to any grant of planning including a revised Phase 2 report as gas monitoring has to be yet to be completed on site.

#### Other Issues

Given the proximity of residential properties to the proposed development, EPS recommend a Construction Environmental Management Plan (CEMP) to be submitted for approval in advance of work commencing on site.

The proposed extension would be built up close to the adjacent railway line, which extends along the eastern side of the site. Network Rail, who own and are responsible for the adjacent railway line were therefore consulted on the application. They have commented that they have no objection in principle to the development but state that owing to the proximity of the proposed development to the operational railway boundary, the applicant will need to liaise with Network Rail's Asset Protection Team prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Network Rail suggest a number of conditions should be attached to any grant of planning permission to cover the above, and also matters relating to boundary treatment, landscaping, lighting and drainage. In terms of landscaping, Network Rail have advised that it is imperative that the proposed landscaping scheme does not impact on operational railway safety and offer advice on the type of trees that would be acceptable and minimum planting distances to the line. In addition to the above, Network Rail also advise that Ecclesfield West Crossing, which is a public footpath

should remain unrestricted for access during the construction phase of the development.

## SUMMARY AND RECOMMENDATION

The application relates to a large factory unit, known as Wellbit in Ecclesfield. The unit is included within Provincial Park that is situated along the eastern side of Nether Lane. The application site is situated within a Fringe Industry and Business Area. The most important policies for determining the application are not out of date and so the tilted balance is not in play.

The applicant is seeking full planning permission to erect a 4,430 square metre extension to the building including alterations to loading bays and the service yard. The proposed extension is being sought to facilitate additional capacity for both future production and storage facilities on site.

The proposal to erect an extension to the factory unit is considered to be acceptable when assessed against UDP Policy IB6 and IB9. It is considered that the development raises no significant highway concerns with the site's existing car park considered to have spare capacity to accommodate any additional demand for on-site parking. The extension is considered to be of acceptable design quality that would sit harmoniously against the existing building. It has also been found that the proposed development is likely to improve the noise environment of neighbouring properties with the extension acting as a physical sound barrier between the site's service yard and these properties. Any visual impact on neighbouring properties is likely to be low given the separation distance and the high level of natural screening between the extension and the nearest properties at Mellor Lea Farm Drive. While it is acknowledged that a number of trees would be felled to accommodate the extension, none of these trees fall within Category A or B, and would be compensated in part by additional tree planting.

For the reasons set out in the report and having regard all other matters, it is considered that the proposed development is acceptable and would be in general accordance with UDP Policies IB6, IB9, BE5, GE15, Core Strategy Policy CS63, CS64, CS65 CS67 and CS74, and government policy contained in the National Planning Policy Framework (NPPF).

It is therefore recommended that planning permission be approved.

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