

PLANNING REGULATORY BOARD

Date:- Thursday 29 February 2024 **Venue:- Town Hall, The Crofts,
Moorgate Street, Rotherham.
S60 2TH**

Time:- 9.00 a.m.

Meetings of the Planning Board can all be viewed by live webcast by following this link:-
<https://rotherham.public-i.tv/core/portal/home>

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 5)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 8th February, 2024 (Pages 7 - 11)
6. Deferments/Site Visits (information attached) (Pages 13 - 14)
7. Development Proposals (Pages 15 - 72)
8. Planning Appeals and Enforcement - 2023 Update
9. Updates
10. Date of next meeting - Thursday, 21st March, 2024 at 9.00 a.m.

Planning Regulatory Board 'Public Right To Speak'

REGISTERING TO SPEAK

The Council has a "Right to Speak" policy, under which you may speak in the Planning Board meeting about an application. If you wish to do this, it is important that you complete a tear-off slip and return it with any written comments, within 21 days of the date of the notification letter back to the Planning Department.

Your comments will be made known to the Planning Board when it considers the application and you will be written to advising of the date and time of the Planning Board meeting to exercise your right to speak

If you wish to speak in the meeting, please try to arrive at the venue **ten minutes** before the meeting starts. The reception staff will direct you to the Council Chamber.

In the Council Chamber, please give your name to the Board clerk (who will have a checklist of names derived from the agenda). The clerk will direct you to the seating reserved for people who wish to speak.

The agenda is available online at least 5 days prior to the meeting, and a few copies will be made available at the meeting, so you can read the report relating to the application which concerns you and see where it comes in the agenda.

The **Council Chamber** is equipped with microphones and a hearing loop.

Take time to familiarise yourself with the layout of the Chamber and the procedure of the meeting, before 'your' application is reached.

Please note that applications can sometimes be withdrawn or deferred at short notice. **The Council will do its best to notify the public in advance**, but on occasions this may not be possible.

The meeting is being filmed for live or subsequent broadcast via the Council's website and can be found at:-

<https://rotherham.public-i.tv/core/portal/home>

If anyone present or members of the public in the public galleries do not wish to have their image captured they should make themselves known to Democratic Services before the start of the meeting.

YOUR RIGHT TO SPEAK

The 'right to speak' applies equally to the applicant and to the general public.

You will be invited to speak by the Chairman at the correct interval.

Each speaker will be allowed three minutes to state his/her case. The applicant does not have a "right to reply" to the objector(s) comments.

Only planning related comments can be taken into consideration during the decision process.

CONDUCT OF COMMITTEE MEETINGS

Speakers should not be allowed to engage in discussion with members of the Committee during public speaking or the Committee deliberations, to avoid any risk of accusation of bias or personal interest.

All attendees are reminded of the importance to remain calm, courteous and respectful during the meeting. Please refrain from shouting out and allow people to speak. Any person causing a disruption will be asked to leave the meeting.

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

Please tick (✓) which type of interest you have in the appropriate box below:-

1. Disclosable Pecuniary

2. Personal

Please give your reason(s) for you Declaring an Interest:-

(Please continue overleaf if necessary)

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Governance Adviser prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Governance Adviser.)

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PLANNING BOARD
8th February, 2024

Present:- Councillor Bird (in the Chair); The Mayor (Councillor Taylor), Councillors Andrews, Bacon, Ball, Burnett, Cowen, Elliott, Sheppard and Tinsley.

Apologies for absence were received from Councillors Atkin, Havard, Keenan and Khan.

The webcast of the Planning Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

59. EXCLUSION OF THE PRESS AND PUBLIC

There were no items on the agenda to warrant exclusion of the press and public.

60. MATTERS OF URGENCY

There were no matters of urgency for consideration.

61. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

62. MINUTES OF THE PREVIOUS MEETING HELD ON 18TH JANUARY, 2024

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 18th January, 2024, be approved as a correct record of the meeting.

63. DEFERMENTS/SITE VISITS

There were no site visits or deferments recommended.

64. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure the following people attended the meeting and spoke about the applications below:-

PLANNING BOARD - 08/02/24

- Change of use to use to retail unit (Class E) at Deer Park Farm, Doncaster Road, Thrybergh for Deer Park Farm Retail Village (RB2023/0827)

Mr. J. Lomas (on behalf of the Applicant)
Councillor M. Bennett-Sylvester (Supporter)

- Change of use to retail/antiques emporium unit at Deer Park Farm, Doncaster Road, Thrybergh for Deer Park Farm Retail Village (RB2023/0829)

Mr. J. Lomas (on behalf of the Applicant)
Councillor M. Bennett-Sylvester (Supporter)

- Change of use to use to retail unit (Class E) at Deer Park Farm, Doncaster Road, Thrybergh for Deer Park Farm Retail Village (RB2023/0830)

Mr. J. Lomas (on behalf of the Applicant)
Councillor M. Bennett-Sylvester (Supporter)

- First floor side extension, single storey side and rear extension, single storey front extension, creation of rooms in the roofspace with dormer window to the rear and velux windows to the front at 4 Cedar Drive, Ravenfield for Mr Sabir (RB2023/1080)

Mr. Sabir (Applicant)
Ms. J. Collins (Objector)
Mrs. J. Mullins (Objector)
Mr. C. Worrall (Objector)
A statement was read out on behalf of Mr. M. Mullins (Objector)

- Provision of secondary vehicular access from Brook Lane Croft with 2.5 m high timber gates and alterations to land levels within site at Brook Lane Farm, Main Street, Bramley for Mr. T. Palmer (RB2023/1478)

Mr. T. Palmer (Applicant)
Mr. B. McGeachie (Objector)
Mr. J. Dibb (Objector)
A statement was read out on behalf of Mr. D. South (Objector)

(2) That applications RB2023/0827, RB2023/1080 and RB2023/1478 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That the Planning Board declare that it was favourably disposed towards application RB2023/0829 and that it be granted on the grounds that the Council considers the proposed retail use to be acceptable, despite there being sequentially preferable sites in the Rotherham Town

Centre, the scheme used an existing building and provided a facility for the local community and generated employment.

In addition, it was noted that the scheme provided a replacement facility to the uses that were, until recently, carried out locally at Fosters Garden Centre across Doncaster Road (now closed down), and that this use was preferable to the authorised use of the site as a storage building, with associated traffic movements.

It was not considered necessary to restrict the goods sold within the unit, and considered that the other conditions attached to application RB2023/0827 should apply.

As such, the application was granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed below:-

Conditions

01

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

Reason

To define the permission and for the avoidance of doubt.

02

The retail use hereby permitted shall only be open between the hours of 10:00 – 17:00 Monday to Saturday and shall be closed on Sundays and Bank Holidays. No deliveries shall be made outside of hours 08:00 – 18:00 Mondays to Saturdays with no deliveries on Sundays or Bank Holidays.

Reason

In the interest of neighbouring amenity in accordance with Policy SP52 'Pollution Control.'

POSITIVE AND PROACTIVE STATEMENT

The applicant entered into pre application discussions with the Local Planning Authority, and the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

(4) That the Planning Board declare that it was favourably disposed towards application RB2023/0830 and that it be granted on the grounds that the Council considered that the proposed retail use was acceptable as, despite there being sequentially preferable sites in the Rotherham

Town Centre, the scheme used an existing building and provided a facility for the local community and generated employment.

In addition, it was noted that the scheme provided a replacement facility to the uses that were, until recently, carried out locally at Fosters Garden Centre across Doncaster Road (now closed down), and that this use was preferable to the authorised use of the site as a storage building, with associated traffic movements.

It was not considered necessary to restrict the goods sold within the unit, and considered that the other conditions attached to application RB2023/0827 should apply.

As such, the application was granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed below:-

Conditions

01

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

Reason

To define the permission and for the avoidance of doubt.

02

The retail use hereby permitted shall only be open between the hours of 10:00 – 17:00 Monday to Saturday and shall be closed on Sundays and Bank Holidays. No deliveries shall be made outside of hours 08:00 – 18:00 Mondays to Saturdays with no deliveries on Sundays or Bank Holidays.

Reason

In the interest of neighbouring amenity in accordance with Policy SP52 'Pollution Control.'

POSITIVE AND PROACTIVE STATEMENT

The applicant entered into pre application discussions with the Local Planning Authority, and the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

(5) That application RB2023/1478 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to an amendment to Condition 2 for the replacement of approved plan Rev F to JBA 4213 101 Rev G received February 2024 to now read:-

02

The permission hereby granted shall relate to the area shown outlined in red on the approved location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans Drawing Nos. JBA.4213.101 Rev G received 24 January 2024 and turning motions plan received 14 December 2023.

65. UPDATES

There were no updates to report.

66. DATE OF NEXT MEETING - THURSDAY 29TH FEBRUARY, 2024

Resolved:- That the next meeting of the Planning Board take place on Thursday, 29th February, 2024 at 9.00 a.m. at Rotherham Town Hall.

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Assistant Director of the Service the detailed wording of a reason for refusal or a planning condition.
 - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Assistant Director of Planning, Regeneration and Transport or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Assistant Director of Planning, Regeneration and Transport.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chair and Vice-Chair will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chair should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 29th February 2024**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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| RB2024/0001 Erection of 2 dwellinghouses at land at Elm Tree Road Maltby for RMBC | Page 54 |

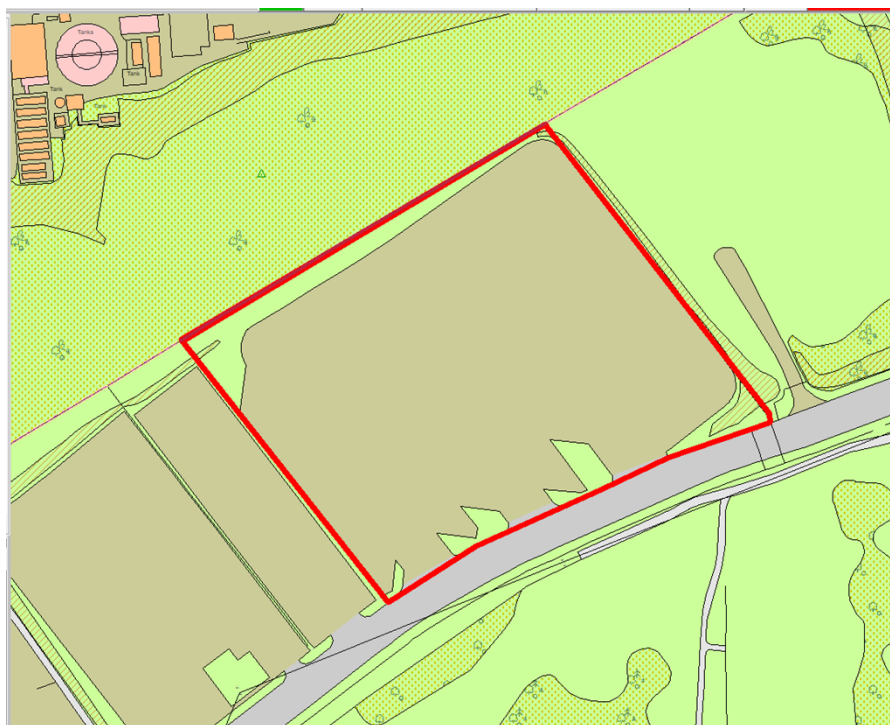
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**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 29/02/2024**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

| | |
|------------------------------|---|
| Application Number | RB2023/1471 https://rotherham.planportal.co.uk/?id=RB2023/1471 |
| Proposal and Location | Erection of industrial unit/offices and car parking at MTL Advanced Grange Lane Brinsworth |
| Recommendation | <p>A. That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • Commuted sum of £11,600.67 towards replacement bus shelter at stop 30212 (Bawtry Road). <p>B. Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p> |

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



Site Description & Location

The application site is located approximately 2.5km to the south west of Rotherham Town Centre. Immediately to the north lies the industrial area of Rotherham Road, Templeborough with a mixture of industrial uses including waste and metal recycling, haulage and distribution and manufacture. To the west of the site lies the boundary between Rotherham and Sheffield. Ferrars Road in Sheffield is the closest residential area, located some 140 metres to the west of the site boundary. Immediately to the south of the site is an electricity substation beyond which lies the BOC facility. Also to the south of the site is the Phoenix Golf Course.

The site is accessed off Grange Lane via Bawtry Road. Residential properties are located on Bawtry Road approximately 700 metres to the south of the application site.

The application site comprises of a large area of hardstanding at the end of Grange Lane on the edge of the Brinsworth and Templeborough areas of the Borough.

The majority of the site has been unused since the previous open storage use approved under RB2016/1099 left the site, the other part of the site will continue to be car parking in association with the wider MTL operation.

The land to the east which sits outside of the application site boundary is currently being occupied by a haulage company without planning permission and is an ongoing enforcement matter and an application for retrospective permission for that piece of land is due to be submitted.

Background

There have been a number of planning applications submitted relating to this site the most recent and relevant of which are:

RB2007/1917 – Change of use to light industrial (use class B1(c)) with ancillary storage and distribution (use class B8) – Granted Conditionally.

RB2010/0909 – Alterations to external appearance and the installation of flues and siting of tanks & compressor house – Granted Conditionally.

RB2010/1299 – External alterations to warehouse comprising erection of new bridge link to front elevation, new external staircase to rear and installation of windows and doors to front and rear elevations – Granted Conditionally.

RB2016/1099 – Retrospective application for use of land as storage and distribution depot for containerised goods – Granted Conditionally.

RB2017/1106 – Retrospective application for change of use to B2 (general industry) – Granted Conditionally

Proposal

This is an application for full planning permission for an additional manufacturing facility for MTL Advanced Ltd to the east of their existing premises. The manufacturing facility, with ancillary storage and distribution, would be provided in a large commercial building and there would be ancillary offices to the front.

The scheme also includes loading bay facilities, carparking and soft landscaping.

The building would be 105.900m by 72.247m with two ridges at a height of 10m. The office element would project off part of the front elevation and it is proposed that the building would be a steel framed building with grey cladding (this could be subject to change).

22 car parking spaces would be provided to the front including accessible spaces and cycle spaces. EV charging points are also proposed in the parking spaces.

There is proposed to be some landscaping to the front of the building adjacent to the internal access road.

A service road and turning facility would be provided to the west and north of the building.

The additional facility would generate approximately 70 new jobs. It would operate on a dual-shift pattern with the first shift being 6am to 2pm and then 2pm to 10pm, with occasional working on Saturdays dependent on client requirements and orders.

The following documents have been submitted in support of the application:

Planning Statement

This planning statement describes the site location and planning policy context, explains the proposed scheme and why it complies with the relevant planning policies.

Noise Impact Assessment

This report details the results of a site survey, surveys at the nearest noise sensitive receptors and assesses the impact of activities associated with the proposed new development.

The measuring positions are noted in the table below:

Measuring Positions

| Position | description |
|----------|--|
| Pos A | Meadowsweet Close |
| Pos B | 245-247 Ferrars Road |
| Pos C | Corner of Balk Lane and Bawtry Lane |
| Pos D | Golf Course close to main entrance |
| Pos E | Golf Course close to western site of proposed site |

The survey work carried out at this site has determined the general ambient noise climate and the lowest daytime and nighttime background sound levels at the nearest dwellings of the site.

Assessment in accordance with BS 4142 indicates that noise levels at the nearest residential facades and other noise sensitive receptors for plant operation, building breakout and service yard activities would fall into the category of 'low impact' when compared against the lowest background sound levels for daytime and nighttime.

The calculated sound levels for site activities at the nearest dwellings are within BS 8233 requirements at all times of the day and night for dwellings with windows open. The activities also readily achieve BS 8233 requirements for gardens.

Predicted noise levels for all activities at the facility are within existing levels of ambient noise and background noise that currently occur at the nearby dwellings. This general ambient noise will provide a masking effect for noise generated by activities at the proposed development and will reduce the potential noise impact of the new facility upon residential properties adjacent to the development site.

Due to the transport companies no longer operating at the area that is intended to become the new building and the building is designed to operate with the lorries being loaded and unloaded inside the actual building, the noise generated from vehicle movements will likely now be less than historically.

The findings of this report indicate that operation of the proposed new fabrication facility would not have a significant noise impact upon the nearest dwellings or golf course located adjacent to the site. However, should the use of the building or the external plant equipment be altered significantly at any time then the site will require a new acoustic evaluation.

Phase 2 Geo-environmental Investigation, Risk Assessment and Outline Remediation Strategy

The aims of this report are also to establish the feasibility of developing this site, to demonstrate to the Local Planning Authority that in accordance with the National Planning Policy Framework (NPPF) 1 the site may be developed for an industrial end use and that appropriate site investigation and risk

assessment works are in place to allow conditional approval of any future planning application.

The report provides details of the site investigations which occurred in August 2023 and included 2 window sample boreholes, 13 dynamic probes and 6 trial pits.

It provides details of the results of the investigations in terms of made ground and contamination recorded.

It recommends that gas protection measures are required, and a potable water pipe assessment is also required.

Archaeological Desk Based Assessment

The assessment notes that the site is situated circa 275m to the south of the site of the former Templeborough Roman Fort. However, there is limited evidence for medieval and post-medieval activity in the area, with the exception of farming, until the construction of a steel mill to the north in the early 20th century, over the site of the Roman fort.

Whilst there is undoubtedly significant archaeology in the immediate vicinity of the Site, use of the Site as a waste heap associated with the steel works appears to have been preceded by a topsoil and possibly subsoil strip. No evidence of buried soil was identified in any of the geotechnical test pits or boreholes and it is believed any potentially archaeological levels have been removed. No further work is therefore recommended in advance of development should planning permission be granted.

Construction Environmental Management Plan

The CEMP has been designed to include details of monitoring and mitigation measures to control the potential environmental impacts during the construction phase. It also includes procedures for handling and investigating complaints.

It sets out that construction works will be carried out Mondays to Fridays 8am to 5pm, and 9am to 1pm on Saturdays.

Construction Traffic and Site compound will be sited wholly on land within MTL.

Preliminary Ecological Appraisal

The purpose of the survey is to establish a baseline of ecological information and assess whether the proposed development activities have the potential to adversely affect any protected or notable habitats or species.

A desk study and field survey were undertaken in order to assess the potential of the site to support protected habitats and species and species of conservation concern. Recommendations for further survey, avoidance, mitigation and enhancement, where appropriate have been made.

Arboricultural Report

This report categorises the trees in accordance with the British Standard, which will help guide the design of potential development in terms of constraints and opportunities related to trees.

During this survey, all trees were inspected from ground level only. Only those trees within the site boundary with a stem diameter above 75mm have been included. Where applicable, trees outside the site boundary, but close enough to be affected by a proposed development, are also included.

In total, 8 items of vegetation were surveyed (6 trees and 2 groups of trees), each of which were to be considered to fall into retention category 'C' in accordance with BS5837: 2012.

No tree works are required under the current context of the site.

Air Quality Assessment

The AQA provides an assessment on the potential impacts of existing and future traffic levels on the proposed industrial unit. The pollutants modelled as part of this assessment are nitrogen oxides (NO_x) and particulate matter (PM₁₀).

The impacts of vehicle emissions have been assessed using the techniques detailed within the 'LA105 Air Quality' of the Design Manual for Roads and Bridges (DMRB) and the Local Air Quality Management Technical Guidance (LAQM.TG22). The impact of road traffic emissions will be assessed using the ADMS-Roads air dispersion model.

The AQA notes that in terms of introducing new exposure, predicted NO₂ and PM₁₀ concentrations across the proposed development is below the relevant air quality objectives and air quality is a low priority consideration with regards to the impact of the proposed development.

All additional modelled receptors are having a negligible impact in the future year.

Site Investigation Report

The report notes that 2 geological faults are shown to run northwest-southeast across the site, one at the northeast corner, and one towards the centre. The geological map indicates that the underlying solid rocks are bands of sandstone and mudstone, dipping to the south/southeast at about 5 - 10°.

The site is shown to be free of surface drift deposits.

An area of worked ground is shown about 25m northwest and an area of made ground 50m northeast.

A series of six boreholes, preceded by a shallow starter pit/cored hole, were drilled and notes that supplementary boreholes will be required for detailed investigation.

The findings show reasonable ground conditions with compact made ground overlying high strength clay and relatively shallow rock.

The compact, mainly granular, made ground would be suitable for a ground supported floor slab.

Phase 1 Preliminary Risk Assessment

The PRA includes a site reconnaissance, site history, geology, hydrogeology, hydrology, mineral search and a landfill search. Information gathered from the desk study and site reconnaissance is to be used to develop a contamination conceptual model for the site.

In addition, the information gathered will be used to identify potential geotechnical constraints associated with the redevelopment of the site.

Based on the findings of this report, an appropriate site investigation can be derived, if required.

Flood Risk and Drainage Assessment

The FRA identifies and assesses the risks of all forms of flooding to and from the development and demonstrates how these flood risks will be managed so that the development remains safe throughout the lifetime, taking climate change into account.

The report will also determine the means of collection and discharge of the foul and surface water from the proposed development and to ensure the volume of surface water runoff from the development is reduced, therefore, reducing flood risk elsewhere. The report will also consider the use and viability of Sustainable Drainage Systems (SuDS) and how they can be implemented on the site.

The risk of flooding from all sources is very low or not significant.

Surface water will discharge to the existing surface water sewer.

Foul drainage will discharge unrestricted to the existing foul sewers on site.

Transport Assessment

The Transport Assessment seeks to address the feedback from Highways and seeks to demonstrate that the on-site parking is sufficient and that the impact

of the development will not be severe and therefore there are no highway reasons why the application should not be granted consent.

Travel Plan

The TP aims to:

- Maximise the attractiveness of the site by highlighting the accessibility of the site via a range of travel options; and
- Minimise the impact the development has upon the environment and local highway network by promoting the use of sustainable travel options above less sustainable modes.

The objectives of the document are to:

- Determine the range of travel options available to employees and visitors;
- Maximise the use of sustainable travel modes amongst employees through effective promotion and engagement; and
- Use suitable monitoring and reporting mechanisms to assess, over time, the impact of the measures within this Travel Plan report.

Biodiversity Enhancement Plan

This report aims to fulfil the comments by the Council's Ecologist, with the aim of enhancing the site's value to wildlife, through the retention of any existing features of value to wildlife, the creation of new habitats and the provision of new features for wildlife such as hedgehog, amphibians, reptiles, invertebrates, birds, and bats, within the proposed development.

It is proposed to;

- create approximately 200m² of species-rich grassland;
- provide 3 bat boxes around the site;
- 6 bird boxes;
- 1 amphibian / reptile hibernacula;
- 1 insect box;
- 1 hedgehog shelter; and
- 3 hedgehog holes in the northern boundary.

Development Plan Allocation and Policy

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

The application site is allocated for Industrial and Business purposes in the Local Plan and forms part of the allocation E4 'Off Grange Lane,

Templeborough'. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS9 'Transforming Rotherham's Economy'
CS10 'Improving Skills and Employment Opportunities'
CS14 'Accessible Places and Managing Demand for Travel'
CS19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS30 'Low Carbon & Renewable Energy Generation'
SP1 'Sites Allocated for Development'
SP16 'Land Identified for Industrial and Business Uses'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving and Enhancing the Natural Environment'
SP42 'Archaeology and Scheduled Ancient Monuments'
SP43 'Conserving and Recording the Historic Environment'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP54 'Contaminated and Unstable Land'
SP55 'Design Principles'
SP56 'Car Park Layout'
SP57 'Sustainable Construction'

Other Material Considerations

The NPPF (as revised) states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Supplementary Planning Documents

- Air Quality and Emissions
- Transport Assessments, Travel Plans and Parking Standards
- Biodiversity Net Gain

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. Letters of

representation have been received from 7 individual addresses. The comments raised are summarised below:

- Only MTL are accessed via Grange Lane off Bawtry Road, this means every vehicle entering the site must pass our properties, which cause noise and disturbance.
- Local residents have also had problems from the site previously with noise from the site itself.
- Working hours and delivery vehicles entering the site should be restricted.
- There are concerns about additional traffic and pollution.
- Conditions placed on the site when it was haulage firm should be reintroduced on this application.
- The noise report is inconclusive and flawed. It states there will be no impact on local residents even though it does not know what machinery will be used in the building. There appears to be no housing for the compressor which would reduce noise.
- Due to abuse and neglect grange lane is in a poor state. The road surface is not suitable for cyclists and vegetation forces pedestrians into the road in places and needs a major overhaul if journeys other than by car are to be encouraged and pollution reduced.
- This new factory threatens to bring back all the problems we endured in the past and we should have the right to enjoy our home and its surroundings without the constant noise of traffic and the disturbance it brings with it.
- The working hours at the new factory should be restricted to 7:30 to 17:30.
- There should be no commercial vehicles entering the site between 10pm-6pm, Monday to Friday and no entry at weekends between 12pm-8pm.

A petition with signatures from 8 individual addresses has been received siting the following reasons for objecting to the proposals:

- Object to 24hr working at MTL due to the disruption caused by HGV and Commercial vehicles and the hours should be restricted so that no vehicles access the site between the hours of 10pm and 6am Monday to Friday and 2pm until 6am on weekends.

3 Right to Speak Requests have been received from local residents and the applicant.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Air Quality: No objections.

RMBC – Tree Service: No objections subject to conditions.

RMBC – Landscape Design: No objection subject to conditions.

RMBC – Ecology: No objections subject to conditions.

RMBC – Drainage: No objections.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Public Health: No objections.

RMBC – Climate Change Manager: No objections subject to condition regarding BREEAM.

SAGT (Geology): No objections.

Coal Authority: No objections.

South Yorkshire Combined Mayoral Authority: have requested a financial contribution towards public transport infrastructure.

Yorkshire Water: No objections subject to conditions.

National Grid: No objections.

South Yorkshire Mining Authority: No objections.

South Yorkshire Archaeological Service: No objections.

SY Fire and Rescue: No objections.

SY Police Architectural Liaison Officer: Recommend the scheme is designed in accordance with Secured by Design.

National Gas: There are no National Gas Transmission assets affected in this area.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Design Considerations
- General Amenity and Impact on existing residents
- Highway matters
- Air Quality and Emissions
- Drainage and Flood Risk
- Landscape and Trees
- Ecology and Biodiversity Net Gain
- Land Contamination
- Coal Mining
- Archaeology

Principle

The site of the proposed new building is allocated for Industrial and Business Use in the adopted Rotherham Sites and Policies Document and forms part of a wider site that is an allocated development site (ref. E4 in the Sites and Policies Document).

The allocated site E4 also includes the existing car park at MTL to the west and the land outside of the boundary of MTL to the east.

In line with Policy CS9 'Transforming Rotherham's Economy', the site has been allocated to meet Rotherham's employment need and to meet modern economic requirements.

The proposed development comprises of an industrial / warehouse unit with an ancillary office and would therefore meet the requirements set out in paragraph 5.18 in the Sites and Policies Document and all other relevant policies as set out in adopted policy SP1 'Sites Allocated for Development'.

Further to the above the proposed use of the building would be in full compliance with adopted Policy SP16 'Land Identified for Industrial and Business Use', which sets out that within areas allocated for Industrial and Business uses falling within B2 (General Industry) and B8 (Storage and Distribution) and ancillary office space would be permitted.

In addition to the above, the proposed development both during the construction phase and when operational will comply with adopted policy CS10 'Improving Skills and Employment Opportunities'. Moreover, there will be the standard conditions regarding the submission of a Local Labour Agreement for both the construction phase and the operational phase which will place an

emphasis on the developer to try and ensure that a strong percentage of the workforce come from the local area (a resident within Rotherham's geographical boundaries), if this cannot be achieved for any reason such as a lack of skilled workforce in the local area then the developer / operator would need to provide evidence of this. The imposition of these conditions will also help towards the 'Expanding Economic Opportunity' vision of The Council Plan 2022/25.

Having regard to the above the principle of the development on this allocated employment site is acceptable.

Design, layout, scale

The NPPG notes that: *"Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations."*

The NPPG further goes on to advise that: *"Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."*

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

This approach is echoed in National Planning Policy in the NPPF.

Furthermore, CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

The building hereby proposed will be sited on part of the wider MTL which is currently used for outdoor storage of products etc. made in the existing factory building. The building would occupy the majority of the site, with parking to the front along with some landscaping. To the west and north of the building would be a service / access road.

The building itself is of no architectural merit and would be of a built for its function as a factory / warehouse. It would be provided with two pitched roofs running west to east and a projection on part of the front elevation for the office space. It would be a steel construction with grey cladding.

It is considered that whilst the building is of no architectural merit the site is not readily visible from public views, apart from glancing views through the trees when walking through the adjacent golf course, accordingly from a visual

perspective the site is not in a sensitive location, such as a gateway site or on a prominent road frontage.

The design of the building is considered to be appropriate on this site and would not be out of keeping with the character of the area given the existing industrial business to the north of the site. Furthermore, due to site levels together with the existing landscaping on the surrounding sites and its location away from main public views it would raise no design issues in this instance.

Further to the above, policy SP57 'Sustainable Construction' states that: *"To enable high quality, functional and sustainable design to be clearly embedded in future development, proposals will need to be designed to withstand and adapt to the predicted impacts of climate change. The evidence supporting the planning application should be proportionate to the scale of the development and:*

- a. identify how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;*
- b. meet the relevant BREEAM 'very good' standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable;*
- c. demonstrate how the installation of integrated renewable and low carbon energy technologies in new and existing non-residential developments, in order to off-set CO2 emissions and mitigate the impacts of climate change, has been assessed and included within the development unless it can be demonstrated that it would not be technically feasible or financially viable. These could include (but are not limited to):*
 - i. solar thermal*
 - ii. solar photovoltaic*
 - iii. biomass boilers*
 - iv. ground source heat pump*
 - v. wind turbines*
 - vi. combined heat and power schemes & associated infrastructure*

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

In relation to the BREEAM Assessment no information has been provided at this stage as such the Council's standard planning condition will be imposed which will require the developer to set out how the building would achieve BREEAM Very Good standard, or to submit technical/financial viability information to demonstrate why it cannot do so.

General Amenity and Impact on existing residents

Paragraph 136(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and

future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Plan policy CS27 'Community Health and Safety' states: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities."* Policy SP52 'Pollution Control' states: *"Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity."*

With regard to the construction phase of the development it is noted that the developer has submitted a Construction Environment Management Plan which sets out the construction working hours and details of how measures to prevent noise, dust and mud during the construction phase will be achieved. The document has been assessed by various consultees and all have raised no issues with the contents of the document. Therefore, the document will be conditioned to be complied with throughout the construction phase and if the requirements within the document are complied with the impact on neighbouring residents would not be unduly affected.

Further to the above, there is the potential impact of the proposed use on neighbouring residents who mainly reside on Bawtry Road and Jubilee Cottages, as well as Ferrars Road in neighbouring Tinsley.

As part of the application submission a Noise Impact Assessment has been submitted by the applicant and this document has been assessed by the Council's Environmental Health Service.

The site is within an industrial area with the nearest residential being approximately 500m to the proposed structure.

The Noise Impact Assessment has been carried out in accordance with the methodology contained within BS4142:2014+A1:2019.

The Noise Impact Assessment concludes that there will be no adverse impact on nearby noise sensitive receptors from the use of the site. As details of plant and mechanical services are yet to be finalised, a condition is necessary to ensure noise sensitive receptors are protected from potential noise disturbance from any such equipment. This will require additional information to be submitted before any plant or machinery is installed and once submitted Environmental Health will consider the proposals and comment on whether there will be any impact on those neighbouring residents from when the building is in operation.

A number of the objections received from local residents raise concerns about noise from the building when operational and also from traffic entering the site, given that the only access to the site is via Bawtry Road and down Grange Lane, whereby MTL are one of only a few businesses down Grange Lane.

A number of residents have raised the restrictive hours conditions placed on a previous application on this land when it was sub-divided and used by a company who sited shipping containers on the land.

These comments are noted and MTL have indicated that the operational aspect of the building will be run on a two-shift pattern, with work commencing between the hours of 0600 and 1400 and then 1400 to 2200 Monday to Friday. MTL have indicated that weekend work is optional and is carried out on an overtime basis led by the demand of MTL's clients. It is considered that given the distance from neighbouring residential properties the proposed hours by MTL are considered acceptable. It is also considered appropriate to provide some flexibility and place specific conditions on weekend working of between 0800 and 1400.

Furthermore, MTL have confirmed that deliveries will only take place between the hours of 0600 and 2200 as per the existing operation at MTL, as such this will also be conditioned.

In addition, there have been concerns raised by local residents about the amount of detail in the Noise Impact Assessment and the lack of information regarding plant and machinery as well as information around the compressor to the rear of the building.

As detailed previously, the submitted Noise Impact Assessment has been assessed and due to certain matters such as what type of plant / machinery will be needed within the building or where this will be located, a condition has been requested by Environmental Health to ensure that further details are submitted prior to any plant / machinery being installed for further consideration / assessment.

It is therefore considered that notwithstanding the issues raised by local residents, the conditions set out in this report would ensure that any impact is mitigated and managed such that any impact would not significantly affect their amenity. Accordingly, subject to conditions the proposed development would be in compliance with the requirements set out in the aforementioned policies and would outweigh the objections received.

Highway considerations

Paragraph 113 of the NPPF states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel.

SP26 'Sustainable Transport for Development' states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 114 and 116 of the NPPF.

The access to the proposed development would be via Grange Lane, which is an adopted public highway, before turning into an unadopted section and entering through the existing gated access to the wider MTL site. The proposal also proposes both car parking spaces and cycle parking to the front of the building.

A Transport Statement has been submitted in support of this application, its contents have been assessed and considered by the Council's Transportation Infrastructure Service and there comments are set out below:

Existing Traffic

A morning and evening fully classified turning count has been undertaken at the junction of Bawtry Road / Grange Lane to establish existing traffic levels. The peak hours of vehicles travelling to/from the site is between 05:30-06:30, 13:30-14:30 and 21:30-22:00, around shift changeover times.

Trip Generation

The following table is based on figures used within the Transport Statement assessment provided by the applicant:

| Shift Pattern | Time | Day | Number of Staff (Current) | Additional Staff | Total |
|---------------|-------------|---------------|---------------------------|------------------|-------|
| Days | 06:00-14:00 | Monday-Friday | 110 | 45 | 155 |
| Afterns | 14:00-22:00 | Monday-Friday | 59 | 30 | 89 |
| Nights | 22:00-06:00 | Monday-Friday | 70 | 0 | 70 |

An internal survey indicates the following modal split amongst staff. It is reasonable to assume that additional staff would travel broadly in line with those currently working at the site.

| Car | Public Transport | Other (Walk, Cycle, etc.) |
|-----|------------------|---------------------------|
| 80% | 4% | 16% |

Using this modal split the total predicted number of trips can be estimated as follows:

| Shift Pattern | Number of additional staff per day | Uplift in daily trips (two-way) | Mode Split – Car Driver | Additional Daily Vehicle Trips (two-way) |
|---------------|------------------------------------|---------------------------------|-------------------------|--|
| Days | 45 | 90 | 80% | 72 |
| After | 30 | 60 | 80% | 48 |

In addition to the above, the development will result in an uplift of 12 two-way HGV movements per day. These would be split across the working day, avoiding the peak hours of the local highway network, resulting in less than two additional HGVs in any one-hour period. The impact of the above additional daily vehicle movements will be negligible and will not have a discernible effect on the operation of the local highway network. As the above vehicle movements are out of the peak hour, no modelling has been carried out on the Grange Lane / Bawtry Road junction.

Conclusion

As there is no severe impact on the surrounding highway network, then no mitigation measures are required. However, a suitably worded condition relating to the shift patterns used in the submitted TS will be included in any approvals granted.

It is noted that within the TS reference is made to Bawtry Rd as the A616, which is an error due to the fact that the classification of the road is A631.

With regard to other related highway matters, details taken from the submitted application form, indicate that if approved, a new manufacturing unit of 6850m² of B2 floorspace will be provided. I also note from the submitted TS, that the existing unit on Grange Lane operates on a shift pattern, and that if approved the new unit will also operate on the same shift pattern, with the 'additional' employees working in 2 shifts of 6am – 2pm (45 employees) and 2pm – 10pm (30 employees).

The existing car park accommodates 216 spaces. The proposed car parking allocation, increases this to 239 car park spaces, an increase of 23 spaces. The Council's parking standards state that car parking should be provided at a rate of 1 space, per 50m² however, this rate is a maximum standard and as such, the increase in parking spaces in relation to the new unit is acceptable. Of the 23 new spaces, 7 will be accessible and 3 will have EV charging facilities. Cycle storage facilities are also to be provided within the site car park.

With regard to other highway related matters, I note that vehicle access to the site is via an existing gated entrance, off Grange Lane, which then leads into the internal layout of the applicants site, with various vehicle accesses leading to parking and servicing areas. Loading and unloading of materials to the new unit, will take the form of an HGV entering the site via an existing vehicle access before entering the proposed unit to the north of the site. The HGV will then load and unload within the building before leaving via a designated exit, separate to the entry into the site. Swept paths have been submitted demonstrating this movement and are acceptable.

Grange Lane itself, is a no through road for motorised vehicles with at least one footway present from it's junction with Bawtry Road, until it's termination at the applicants site entrance. These footways are approximately 1.7m wide with street lighting present along it's full length. There are bus stops located on Bawtry Road near to the junction with Grange Lane, with a pedestrian refuge (approximately 2.5m in width) near to Bonnet Lane to assist pedestrians crossing the road in this area.

As such, the Council's Transportation Infrastructure Service have raised no objection to the granting of planning permission in a highway context, subject to conditions.

Further to the above, South Yorkshire Mayoral Combined Authority have requested a financial contribution towards public transport infrastructure with the reasoning and justification that the requested developer obligations are related to and in proportion to the proposals and are required to make the proposed development acceptable in planning terms.

SYMCA have requested that the developer provides the costs for a replacement shelter at stop 30212 (Bawtry Road). This shelter will be connected to mains electricity to power internal lighting during hours of darkness. Both stops (30213/ 30212) should be provided with modern standards for raised kerbs, tactile paving, and bus stop clearway marking (to be managed by a S278 agreement, with the works undertaken by the applicant).

The total contribution would be £11,600.67 (no VAT payable) and this would be secured via a s106 legal agreement.

It is therefore considered that subject to conditions and the securing of the legal agreement the proposed development would comply with the policies outlined above and would not result in an unacceptable impact on highway safety, or a severe impact on the road network. Accordingly, there are no highway reasons to refuse the application.

Air Quality

Policy CS30 'Low Carbon & Renewable Energy Generation' states: *"Development must seek to reduce carbon dioxide emissions thorough the*

inclusion of mitigation measures...” In addition, regard will be had to the guidance contained within Council’s adopted SPD ‘Air Quality and Emissions’.

NPPF states at paragraph 112 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The Council’s adopted SPD ‘Air Quality and Emissions’ requires new commercial / industrial developments to provide 20% of parking spaces to be provided with an electric vehicle charging point; this may be phased with 5% initial provision and the remainder at an agreed trigger level. The proposals put forward show 22 parking spaces and just 3 EV charging points, as such this will need to be increased to 5, accordingly a condition shall be imposed requiring further details of EV charging points.

In addition to the above, an Air Quality Assessment was submitted in support of this application. It has been assessed by the Council’s Air Quality Office and is deemed to be acceptable, they concluded that there are likely to be no adverse impacts on ambient air quality arising from this proposal.

Therefore, notwithstanding the objections received about air quality and pollution, the proposal would not significantly add to the air quality / pollution in this area and as such a refusal on such grounds could not be justified.

Drainage and Flood Risk

Policy CS24’ Conserving and Enhancing the Water Environment’ states: *“Proposals will be supported which: a. do not result in the deterioration of water courses and which conserve and enhance...”*

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

Policy SP47” Understanding and Managing Flood Risk and Drainage” states, part, that: *“The Council will expect proposals to:*

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

- c. *consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.”*

Paragraph 169 of the NPPF notes in part that: *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.”*

The Environment Agency’s Risk of Flooding from Surface Water map indicates that there is no flood risk to the property and the site is classed as brownfield for runoff purposes.

A Flood Risk Assessment and Drainage Strategy have been submitted in support of the application and have been assessed by the Council’s Drainage Engineer and Yorkshire Water, neither of which have raised any issues with the site being developed from drainage or flood risk perspective, subject to conditions.

Landscapes and Trees

CS19 ‘Green Infrastructure’ states that *“Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas...”*

Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- a. *Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.*
- b. *Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.*
- c. *Investment in Green infrastructure will be prioritised to increase functionality of individual assets and safeguard existing functions, such as habitats for wildlife.*
- d. *Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.*
- e. *Supporting ecosystem services, including the use and management of Green Infrastructure areas to reduce the impacts of climate change, using vegetation to cool the environment, provision of new open space to remedy the need for natural and semi natural flood storage and managing surface water to ensure landscape change impacted by climate change has long term benefits.*

- f. Promoting design which replicates or incorporates natural processes for river morphology and water storage along the regionally important rivers Don, Rother and Dearne.*
- g. Promoting innovative development which manages quantifiable risks such as flooding.*
- h. Assisting with the integration of new development into the natural and historic environment.”*

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

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

The Site Development Guidelines in the Local Plan for the site indicate that *“Existing vegetation and mature trees should be retained and enhanced, unless agreed in writing with the Local Planning Authority.”*

The part of the allocated site whereby the application relates contains very few trees which have limited low value trees and they should not form a significant constraint to the development of the site. The hedgerow to the north and east of the site is to remain.

Furthermore, a tree survey has been provided with the application, which has been assessed by the Tree Service who have indicated that the findings appear accurate.

A landscape scheme has been provided with shows some grassed areas and planting to the front of the building.

In light of the above it is considered that subject to conditions, the proposal raises no issues in respect of landscaping or tree loss.

Ecology and Biodiversity Net Gain (BNG)

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

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

Policy SP35 'Protected and Priority Species' states that "*Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced...*"

The NPPF further advises in part of paragraph 180 that: "*Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things): d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*"

The Council's Ecologist has assessed the submitted ecological reports, comments on which are set out below:

Bats

The site has no potential to support roosting bats but offers suitable habitat to support foraging and commuting bats.

The site will require a low-level lighting scheme prepared by a lighting engineer to ensure there is no light spill onto the boundary vegetation during both the construction phase of the development and when in-use. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/23: Bats and Artificial Lighting At Night' Institute of Lighting Professionals, 2023.

A document has been submitted and is deemed acceptable, as such this will be conditioned accordingly.

Breeding Birds

In line with the report it will also be conditioned that if any vegetation or structures are required to be removed as part of the development then this should be undertaken outside of the bird breeding season (March to August inclusive).

Biodiversity Enhancements

The site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in line with the National Planning Policy Framework Paragraph 186(d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design. An enhancement plan has been submitted with the application, its contents has been deemed acceptable by the Council's Ecologist and the details will be conditioned.

Construction Environmental Mitigation Plan

The submitted CEMP (Construction Environmental Mitigation Plan, JBP Construction) that has been provided with the application is considered acceptable and its contents will be conditioned.

Biodiversity Net Gain

It should be noted that under the new Environment Act 2021 all new planning permissions granted will have to deliver 10% biodiversity net gain from January 2024 and for small sites from April 2024.

It is acknowledged that this requirement is not currently in place however in anticipation of the new regulations all future applications should provide a completed biodiversity net gain metric and in line with Policy SP33 should demonstrate no net loss as a minimum with a demonstration of 10% net gain preferred. The full Biodiversity Metric 4 spreadsheet in Excel format will need to be provided to the LPA for assessment.

With regard to Ecology and BNG it is noted that as the site consists of entirely hardstanding, the Council's Ecologist has confirmed that there are no ecological issues with the site being developed and given it is entirely hardstanding currently, it is exempt from BNG requirements.

Notwithstanding the above, the introduction of grassed areas, trees and other biodiversity enhancements in the building and around the site would result in some enhancement.

Therefore, having regard to the above and subject to conditions, the proposed development raises no ecological or biodiversity concerns.

Land Contamination

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

- a. *demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse or ground water;*

- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;*
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;*
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”*

The three supporting documents submitted with this application, which include the following have been assessed by the Council’s Land Contamination Officer:

- Phase I Preliminary Risk Assessment – Grange Lane, Rotherham – prepared by LK Consult Ltd, dated 10th July 2023, Reference LKC 23 1382
- Site Investigation Report – Grange Lane, Rotherham, S60 5EA – prepared by Wormseye Ltd, dated 24th April 2023, Reference Grange Lane, S605EA/2022
- Phase 2 – Geo-Environmental Investigation, Risk Assessment and Outline Remediation Strategy – prepared by LK Consult Ltd, dated 11/10/2023, Reference LKC 23 1528-131-B1-G1-R1-Grange Lane, Rotherham

Historical maps depict the application site as being occupied by agricultural land from circa 1854 to 1956, before becoming occupied by a footpath which was present until around 1963. Between 1963 and 1969 the site appeared to be vacant rough grassland. However, by 1972 a slag heap was recorded as being present on site until circa 1994, which is thought likely to be associated with the slag reduction works and steel works located to the north of the site. From 1999 onwards to the present date, the site is known to have been used as a storage area and for vehicle parking.

The application site is bounded to the north by densely vegetated land. To the east by land occupied by waste plastics and pallets surrounded by vegetation. To the south by a golf course and to the west by the existing MTL Advanced Manufacturing warehouse.

Historically the land has been subject to a past industrial land use including deep placement/infill of the land with slag materials and steel works waste and use of the land for storage of various machinery and metal works. The land has also been used for the parking of HGVs and cars.

It is for the above reasons intrusive site investigation works were undertaken in April 2023 and November 2023, to determine both the geotechnical and geo-environmental ground conditions at the site, to assess if any significant soil and groundwater contamination associated with the past historical uses of the site could impact on the proposed redevelopment of the site.

At the time of the investigations, intrusive works were restricted to the periphery of the site and therefore no information is available regarding the ground

conditions across the site and particularly beneath the proposed development footprint area.

The combined site investigation works comprised the excavation of 6no. trial pits down to a maximum depth of 3.10m, the installation of 2 windowless sample boreholes down to a maximum depth of 3.80m and 13 dynamic probe tests to determine the general underlying ground conditions on site. A total of 11 soil samples were collected to assess for potential contamination and were submitted to an accredited laboratory for chemical testing.

Made ground was encountered in all exploratory boreholes down to a depth of 2.60m, comprising of metalliferous slag, sand, clay, gravel, ash, brick, clinker and concrete rubble. It is likely that any remnants of the historical slag heap on site could pose potential geotechnical issues due to expansion over time.

Chemical testing of the made ground at present indicates that gross contamination is not present at levels above the generic assessment criteria for an industrial end use. It is therefore considered unlikely that contamination will present a risk to human health, the environment or controlled waters.

However, site investigation works were significantly limited in areas and further intrusive works will be required to confirm the risk to future users of the site.

Although deep made ground was encountered across the site, no groundwater was encountered during the initial rounds of site investigation. It is therefore considered unlikely that on site contamination is affecting controlled waters. This however will need to be confirmed when further site investigation works are undertaken.

No ground gas monitoring has been undertaken to determine the ground gassing regime. An assumption has been made within the site investigation report that the site will be characterised as a characteristic situation 2 and gas protection measures will be required. However, gas monitoring will need to be undertaken across the site to determine the ground gassing regime.

An underground tank has been shown to be present in the west of the site. Whilst it is thought to outlie the proposed development footprint, this tank will need to be located, removed and the ground tested to ensure it has not been impacted by ground contamination.

Elevated soluble sulphate concentrations are likely to be present across the application site which may have the potential to attack below ground concrete. An appropriate design sulphate class is likely to be required for this site.

Much of the site is to be covered by hard standing. However, it is recommended that 300mm of clean suitable topsoil is placed across any proposed soft landscaping areas to provide a suitable growing medium for plant life.

In summary, further comprehensive intrusive site investigation will need to be undertaken to confirm the ground conditions across the site to determine if

remediation measures are required and to confirm foundation design. This is to ensure the application site is suitable for its proposed industrial end use. These requirements will therefore form the basis of several relevant planning conditions that will need to be discharged.

Therefore, subject to conditions the application is deemed to comply with the requirements of the policies referred to above.

Coal Mining

The Coal Authority have confirmed that whilst the site falls within the coalfield, it is located outside the Development High Risk Area as defined by the Coal Authority. Accordingly, whilst coal mining activity may have taken place beneath this site, there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability for the redevelopment of this site.

Archaeology

In respect of Archaeology, South Yorkshire Archaeology Service have indicated that there are no archaeological concerns with this application.

The application is supported by a robust archaeological desk-based assessment by Prospect Archaeology which has assessed the archaeological potential of the site, including a review of ground investigation works. This evidence has demonstrated that whilst the site lies in a region of archaeological interest, the potential for buried remains at the site itself is negligible.

On this basis, there no further archaeological work is required.

Conclusion

It is concluded that the principle of the development is acceptable for the reasons set out in the report. Furthermore, notwithstanding the objections relating to noise and disturbance and highway impact, it is deemed that the issues raised can be suitably mitigated through conditions. As such, it is considered that the issues raised have been satisfied and a refusal on the objections raised cannot be justified in this instance and are outweighed by the fact that the scheme complies with the relevant national and local planning policies.

Therefore, having regard to all of the above it is considered that the proposal is acceptable and complies with relevant national and local planning policies and for the reasons set out above, is subsequently recommended for approval.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **15, 27 and 28** of this permission require

matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **15, 27 and 28** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

023011 WBD 01 00 DR A 1002 rev P01 – Location Plan
023011 WBD 01 00 DR A 0002 rev P02 – Site Plan
023011 WBD 01 ZZ DR A 0001 rev P01.6 – GA Ground Floor
023011 WBD 01 ZZ DR A 0003 rev P01.9 – GA Ground Floor
023011 WBD 01 ZZ DR A 0004 rev P01.9 – GA First Floor
023011 WBD 01 ZZ DR A 0005 rev P01.8 – GA Elevations
023011 WBD 01 ZZ DR A 0006 rev P01.5 – GA Sections
023011 WBD 01 ZZ DR A 0007 rev P01.7 – GA Elevations - Context
023011 WBD 01 ZZ DR A 0008 rev P01.5 – GA Foundations
023011 WBD 01 ZZ DR A 0009 rev P01.3 – GA Section 02
023011 WBD 01 ZZ DR A 0010 rev P01.10 – Lift
023011 WBD 01 ZZ DR A 0011 rev P01.3 – GA Door Schedule
023011 WBD 01 ZZ DR A 0012 rev P01.3 – GA Window Schedule
023011 WBD 01 ZZ DR A 0013 rev P01.3 – GA Curtain Wall
023011 WBD 01 ZZ DR A 0017 rev P01.2 – Details
7838 – Final Connections
7838 – Floor Slab
7838 – Final Foundation Details
7838 – Final Office
7838 – Final Structural Steelwork 1

7838 – Final Structural Steelwork 2
A5761 04/C – Landscape Plan
C1033 – G1, G2, G3, G4, G5, G6, G7, G8, G9, G10, G11, G12, G13 –
Construction Drawings
1229-ACE-ZZ-XX-DR-C-08000 rev P03 – Drainage General Arrangement
Sheet 1
1229-ACE-ZZ-XX-DR-C-08001 rev P03 – Drainage General Arrangement
Sheet 2
1229-ACE-ZZ-XX-DR-C-08003 rev P02 – Manhole Schedule
1229-ACE-ZZ-XX-DR-C-08004 rev P02 – Drainage Construction Details

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place on any building(s) until details of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development of that area or sub area shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

Air Quality and Emissions

04

Notwithstanding the submitted information, prior to the building being brought into use details of the provision of electric vehicle charging point infrastructure (cabling routes) to serve every car parking space and a minimum of 20% of parking spaces to have charging points for each building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details on the number, specification, location and maintenance schedule for electric vehicle recharge infrastructure. The approved details shall be implemented prior to each building being brought into use and shall thereafter be retained and maintained.

Reason

In the interests of climate change and improving air quality and emissions.

Construction Environment Management Plan

05

All proposed construction works shall be undertaken in accordance with the Construction Environmental Management Plan by JBP Construction Consultants Limited.

Reason

To safeguard the amenities of the occupiers of nearby properties.

General Amenity

06

The combined noise from all fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment shall be 3dB below the existing background sound level at any time when measured at the nearest noise sensitive receptors. 'Rating Level' and 'Background Sound Level' are as defined in BS 4142:2014+A1:2019.

Reason

To safeguard the amenities of the occupiers of nearby properties.

Restrictions

07

The use of the building hereby permitted shall occur between the hours of 0600-2200 Mondays to Fridays and 0800-1400 on Saturdays.

Reason

In the interests of residential amenity.

08

There shall be no deliveries to the building hereby approved outside of the hours of 0600-2200 Mondays to Fridays.

Reason

In the interests of residential amenity.

Drainage and Flood Risk

09

The development shall be carried out in accordance with the details shown on the submitted, Flood Risk Assessment & Drainage Strategy 1229-ACE-ZZ-XX-RP-C-1000 (revision 001) prepared by APEX Consulting Engineers, dated 20/10/2023, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage.

Landscapes

10

Landscaping of the site as shown on the approved plan (drawing no. A5761 04/C) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail

to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

Ecology

11

All ecological measures and/or works shall be carried out in accordance with the details contained in [Exterior Lighting Plan, Relux, December 2023] and the [Construction Environmental Management Plan, JBC Construction] as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason

To minimise light pollution and reduce the impact on wildlife.

12

All ecological measures and/or works shall be carried out in accordance with the details contained in [Biodiversity Enhancement Plan, JCA Limited, February 2024] as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason

In the interests of biodiversity enhancement.

BREEAM

13

Any building hereby approved that exceeds a floor area of 1,000 sq.m shall be designed to achieve BREEAM Very Good rating as a minimum. Prior to the commencement of the development of each building a BREEAM Assessors report shall be submitted to and approved in writing by the Local Planning Authority. The building shall subsequently be developed in accordance with the approved details.

Reason

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

Waste Management

14

Prior to the building being first occupied a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 1) information on the amount and type of waste that will be generated from the site;
- 2) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);
- 3) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 4) measures to minimise the use of raw materials and minimise pollution of any waste;
- 5) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 6) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and
- 7) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

Land Contamination

15

Prior to development works commencing, further intrusive site investigations, complete with gas monitoring, shall be undertaken to fully determine the geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced and will be subject to approval in writing by this Local Planning Authority.

The above shall be conducted in accordance with the new guidance document 'Land Contamination Risk Management' (October 2020) and predecessor guidance 'Model Procedures for the Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017).

Reason

To ensure the safe occupation of the site.

16

Subject to the findings of condition 15 above and prior to development works commencing, a Remediation Method Statement shall be provided and

approved by this Local Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure the safe occupation of the site.

17

Subject to the findings of condition 15 above, if required and prior to construction, a Detailed Design Report for Gas Mitigation Measures will be provided for review and comment and shall provide details of the identified gas protection measures required, complete with drawings to show how the gas protection measures will fit into the overall building designs.

Reason

To ensure the safe occupation of the site.

18

Subject to the findings of condition 15 above, if required and post construction, a Gas Verification Report is to be provided to confirm that the measures constructed/installed meet the required standards. Inspection reports for each building will be forwarded to the Local Authority for review and comment.

Reason

To ensure the safe occupation of the site.

19

If during development works unexpected significant contamination is encountered, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

To ensure the safe occupation of the site.

20

If subsoil/topsoil materials are required to be imported to site for remedial works, then these materials will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination and will not present a risk to future users of the site and the environment.

Reason

To ensure the safe occupation of the site.

21

Subject to the findings of condition 15 above, and due to likely elevated sulphate concentrations being detected, all buried concrete to be used on site shall be designed to an appropriate design sulphate classification with a corresponding ACEC classification. The design sulphate classification used will need to be evidenced within a Validation Report.

Reason

To ensure the safe occupation of the site.

22

Suitable water supply pipes will need to be specified for the site which are considered capable of resisting chemical attack from residual contaminants remaining within the made ground. The use of these approved water supply pipes will need to be evidenced.

Reason

To ensure the safe occupation of the site.

23

Following completion of any remedial works a Validation Report will be forwarded to this Local Authority for review and comment. The Validation Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

Reason

To ensure the safe occupation of the site.

Highways

24

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

25

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

Reason

To ensure the provision of satisfactory parking spaces and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

26

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

Reason

In order to promote sustainable transport choices.

27

Prior to the commencement of works a Construction Traffic Management Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Vehicle routing / storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interests of highway safety and residential amenity.

Local Labour Agreement

28

Prior to the commencement of development, the attached Local labour Agreement pro forma for the construction phase of the development shall be completed in its entirety and submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Agreement and within 3 months of completion of the approved development, data shall be submitted to the Local Planning Authority demonstrating how the indicators were met.

Reason

To improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities, in accordance with Policy CS10 'Improving Skills and Employment Opportunities'.

29

Prior to the operational use of the land/building(s) hereby approved, the attached Local Labour Agreement pro forma outlining measures to be taken to employ local workers for the operational phase of the development shall be completed and submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and no later than 6 months from the date of first operation information shall be submitted to the Local Planning Authority providing details relating to the percentage of staff currently employed from the local area.

Reason

To improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities, in accordance with Policy CS10 'Improving Skills and Employment Opportunities'.

Informative(s)

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

03

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

04

development would greatly benefit from being built to Secured by Design standards, www.securedbydesign.com

Defensible Space

It would be beneficial for any fencing surrounding this development to be Weld mesh type fencing and to profile 358, as should any gates.

Security of Building

All external doors, windows and Roller Shutters must meet one of the following:

PAS 24:2022

LPS 1175 SR 2

STS 201 or STS 202 BR2

All entrances should be well lit.

All windows used at ground floor level and any curtain wall glazing must be laminated to 6.8 m or P1A.

Vehicle Parking

The Car Parks should be well lit with a scheme equivalent to BS 5489 with no dark areas, all landscape should be kept low to aid surveillance.

05

Access for appliances should be in accordance with Approved Document B, Volume 2, part B5, Section 15.

06

Water supplies should be in accordance with Approved Document B, Volume 2, part, B5 section 16.

07

The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|---|
| Application Number | RB2024/0001 https://rotherham.planportal.co.uk/?id=RB2024/0001 |
| Proposal and Location | Erection of 2 dwellinghouses at land at Elm Tree Road, Maltby |
| Recommendation | Granted Conditionally |

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



Site Description & Location

The site is approximately 0.05ha in size and comprises of brownfield land.

It is a decommissioned garage site and is an infill site in an otherwise linear residential frontage along Elm Tree Road.

Elm Tree Road runs along the south-east of the site, with two-storey residential dwellings to the north-east and south-west. Land associated with Maltby Redwood Academy is located to the north-west of the site. The site has a flat topography.

Background

There have been a number of previous planning applications submitted relating to this site but none since 1973.

Community Infrastructure Levy

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

Proposal

The proposals comprise of 2 three bedroomed, two-storey semi-detached dwellings.

The dwellings are set on the same front building line as those adjacent due to the requirement of the easement along the frontage of the proposals for the underground drain that runs here.

The building is of a pitched roof design, with habitable room window openings in the front and rear elevations and a secondary access door in the side elevation. The entrance door on the front elevation would be recessed with a covered canopy feature over.

The scheme will include materials which reflect the surrounding area.

4 car parking spaces are proposed across the site on the frontage of the site, with each property having 2 spaces each which run down the side of the property with a central pathway and grassed areas between.

Each property would have a private rear garden with additional grassed areas to the front.

The following documents have been submitted in support of the application:

Transport Technical Note

The Note provides details on the site proposals, the parking provision for each dwelling, public transport opportunities and cycle / pedestrian routes close to the site and further afield.

It concludes that on the proposed site, there are a suitable number of parking spaces proposed in line with the standards and green space at the rear of the dwellings. There is also cycle routes, suitable footways and a large number of local amenities a short distance from the site to visit or employment opportunities.

Preliminary Geo-Environmental Risk Assessment

The assessment provides details on the site, its environmental setting, potential for contamination and development considerations and is a desk-based study.

It recommends that an intrusive Site investigation is undertaken to assess the potential for contamination and ground gases to impact on the proposed development. The investigation will also refine the Site-specific ground model and groundwater regime and enable an assessment of foundation and engineering solutions to be made.

Sustainability Statement

This statement contains a holistic approach to maximising positive sustainability impacts and minimising the ecological footprint of the project.

The scope of this Sustainability Planning Statement relates to RIBA Stage 3 activities only. Therefore, this statement contains an overview of the proposed measures against Rotherham's sustainability planning requirements. Further action will be required beyond the scope of this statement to monitor the progress of each sustainability initiative.

The statement provides details on planning policy, as well as details on proposed sustainability measures in the development.

Development Plan Allocation and Policy

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

The application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

Core Strategy Policies

- CS6 'Meeting the Housing Requirement'
- CS7 'Housing Mix and Affordability'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS19 'Green Infrastructure'
- CS20 'Biodiversity and Geodiversity'

CS21 'Landscapes'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS30 'Low Carbon and Renewable energy generation'
CS33 'Presumption in Favour of Sustainable Development'

Sites and Policies Document Policies

SP26 'Sustainable Transport for Development'
SP52 'Pollution Control'
SP55 'Design Principles'
SP64 'Access to Community Facilities'

Other Material Considerations

The NPPF (as revised) states that *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."*

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

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide

National Internal Space Standards

Supplementary Planning Document

- Air Quality and Emissions
- Affordable Housing
- Transport Assessments, Travel Plans and Parking Standards

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 9 letters of representation have been received from individual addresses and Maltby Town Council. The comments raised are summarised below:

- There is currently a severe parking situation in this area causing a hazard to pedestrians.
- The parking situation in this area means that at school drop-off / pick-up I cannot get off my driveway.
- With there being Redwood school close by this site is vital for a lot a parents in the area come school time and also much needed for the residents to reduce the congestion on the already busy roads.

- There will be an increase of cars on the streets due to it being closed. This has personally caused damage to my own vehicle and damage to my property which is still yet to be repaired.
- Also with 98% of the properties on the road being privately owned it doesn't make sense to build two newbuilds in the middle which will be social housing and also look out of place.
- The hedgerows in the place which provides a place for local wildlife to thrive with there being endangered bats in the area which could potentially use these I can't see how you could not disturb them during the builds.
- With all the current housing estates being built in Maltby and no extra doctors dentist appointments being available this is another key feature to be thought about there's only so much strain the local facility's can take before breaking point.
- The plans are for 3 bed houses with 1 car drives most families have multiple cars meaning they'll be parked on the road making it even more difficult for the residents to access their own drives which they've had to pay to be installed.
- All the surrounding houses will lose their privacy they have in their gardens and homes which is just make the local community attacked and vulnerable being some elderly residents.
- There has been flooding problems in the area due to drainage issues and the building work would make this worse if not resolved prior to any proposed building work taking place.
- On my deeds were allocated at car parking space when these houses were built in 1972 everyone on the left side of elm tree Road was allocated a space we still need it as a car park.
- Our drive is constantly block by parents picking up children from the school.
- I cannot maintain my garage and shed which sit on the boundary.
- The car park has a practical use in the area, there is no need to build two properties on it.
- The area would better be served as an overflow parking area for residents and visitors.

Maltby Town Council have objected to the proposed dwellings due to the lack of infrastructure in Maltby to support the project.

7 Right to Speak requests have been received from local residents, the Town Council and the applicant.

Consultations

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Ecology: No objections.

RMBC Land Contamination: No objections subject to conditions.

RMBC Drainage: No objections.

Sheffield Area Geology Trust (SAGT): No objections.

SuperFast South Yorkshire Broadband: No objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design considerations (including size, scale, form, design and appearance)
- General Amenity
- Impact on existing residents
- Highway impact
- Air Quality and Emissions
- Ecology
- Land Contamination
- Other issues raised by objectors

Principle

The site is allocated in the adopted Rotherham Sites and Policies Document for residential purposes and the site is an existing area of hardstanding. Accordingly, the site is a brownfield site, and the principle of residential development is acceptable from a land use perspective subject to the developments satisfying other relevant material planning considerations.

The proposal will provide 2 affordable dwellings which will be added to the Council's Housing Stock, this scheme will therefore assist in the Council's objective of adding 1000 new homes to the Council's Housing Stock by 2026.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means "*approving development*

proposals that accord with an up-to-date development plan without delay..." This is further supported by policy CS33 'Presumption in Favour of Sustainable Development'.

Paragraph 12 of the NPPF states: *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

Design considerations (including size, scale, form, design and appearance)

The NPPG notes that: *"Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations."*

The NPPG further goes on to advise that: *"Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."*

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

This approach is echoed in National Planning Policy in the NPPF.

Paragraph 131 of the NPPF states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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 139 states *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an*

area, so long as they fit in with the overall form and layout of their surroundings.”

In addition, CS21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

The South Yorkshire Residential Design aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The building hereby proposed which will house the two new homes has been sympathetically sited. The building would have the same building line at the front as the existing buildings either side and the height of the building has been designed to reflect the difference in levels between the property to the left and right of the application site.

Whilst the design of the dwellings is different to that of the existing neighbouring properties, they do incorporate some design elements and would be constructed of similar materials to ensure that they amalgamate into the fabric of the streetscene.

It is therefore considered that the design of the properties are acceptable and raise no design issues. In addition, the size, scale, form and proposed materials will ensure the development would not be at odds with the character of the immediate surrounding area and would not introduce an incongruous feature.

Having regard to all of the above, it is considered that the layout and design of the proposed development achieves an efficient use of this brownland site whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and would not have an adverse impact on the character of the immediate surrounding area from a visual design aspect. In addition, the proposed materials would be sympathetic to the area which has a mix palette of materials. Moreover, the dwellings in terms of size, scale, form and design would be acceptable.

General Amenity

Paragraph 136(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Plan policy CS27 'Community Health and Safety' states: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities." Policy SP52 'Pollution Control' states: "Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity."

There is the potential for disturbance to the occupiers of nearby residential premises as a result of noise and dust nuisance from the proposed demolition and construction phases.

Therefore, in light of the above conditions shall be imposed in respect of construction working hours and construction practices to help minimise impact over the construction phase.

Impact on existing and future residents

The South Yorkshire Residential Design Guide sets out appropriate spacing distances between properties. The SYRDG states that there should be a minimum of 21m between principal elevations or elevations with habitable room windows; and that an elevation with a habitable room window should be a minimum of 10m from a boundary with another property.

In this instance there are no properties to the rear, as the school car park and the wider school site is located to the rear of the site. Therefore, there is no requirement to meet the 21m or 10m distances set out above as they relate to distances between dwellings and private rear gardens.

It is of note that in this instance the rear of the dwellings would be approximately 8.5m to the rear boundary with the school car park, which is less than 10m but the other properties on this side of Elm Tree Road also do not meet the distance requirement but are closer to the 10m than the proposed. Notwithstanding as there are no properties to the rear the reduced distance is considered acceptable in this instance and would not result in any overlooking or privacy issues to existing residential properties.

In addition, to the above each property would be provided with more than the minimum 60sq.m private garden and each of the houses meet the minimum internal space standards set out in the national guidance.

Accordingly, by virtue of the distance between properties, proposed boundary treatments, land levels and orientation of the site there would be no overlooking or privacy issues between new properties and there would be no detrimental overshadowing of habitable room windows or proposed private rear amenity spaces.

Having regard to the above it is considered that the proposed development would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development.

Accordingly, the scheme would comply with paragraph 136(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

An objection has been received regarding privacy issues and overlooking of gardens and homes. However, as set out above there are no properties to the rear to overlook and there are no windows in the side elevation of the dwellings hereby proposed, therefore there is no overlooking or privacy issues relating to the properties either side.

A resident has raised concerns about the maintenance of their garage which abuts the site should the scheme come forward. Whilst noted this is not a material planning consideration and would be for the landowner to grant them access.

Therefore, for the reasons set out above the application would not give rise to any amenity issues to existing residents and future residents will be provided with sufficient internal and external space.

Highway impact

Paragraph 113 of the NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel.

SP26 'Sustainable Transport for Development' states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 114 and 116 of the NPPF.

The Council's Transportation Infrastructure Service have confirmed that the provision of 2 car parking spaces for each of the 3 bed dwellings is in accordance with the Council's current parking standards. Therefore, the proposal should not be refused on highway grounds as the proposal would not result in an unacceptable impact on highway safety or a serve impact on the road network.

A number of the issues raised by objectors relates to current highway matters.

There have been concerns raised in respect of the neighbouring roads being used by parents for dropping off and picking up, block driveways; and that the land is vital for parents when dropping off and picking up and would be better to be used as an overflow for the school.

It is considered that whilst the comments above are noted, the land has always been in the Council's ownership and has never been a public car park in the past. People did park vehicles on the land in the past, but they had not received authorisation from the landowner to do so. Furthermore, the land for the last year or so has been fenced off and used as a site compound while work is being carried out in the area.

A further complaint has been made that a resident was allocated a parking space in the land on their deeds. The applicant has confirmed that following the closure of the garage, unauthorised parking by neighbouring properties took place on this site. The Council as landowner has never agreed to the site be used as additional parking and therefore the parking was unauthorised.

It is therefore considered that whilst the comments made are noted, the issues raised would not outweigh the fact that the dwellings hereby proposed each have sufficient in-curtilage parking in line with the adopted SPD 'Transport Assessments, Travel Plans and Parking Standards', and the issues raised regarding parents parking indiscriminately in the area at drop-off and pick-up times is not a material planning consideration for this application.

Accordingly, a refusal on highway grounds cannot be justified in this instance.

Air Quality and Emissions

Policy CS30 'Low Carbon & Renewable Energy Generation' states: *"Development must seek to reduce carbon dioxide emissions thorough the inclusion of mitigation measures..."* In addition, regard will be had to the guidance contained within Council's adopted SPD 'Air Quality and Emissions'.

NPPF states at paragraph 112 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The SPD notes that there should be 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per space (unallocated parking). Accordingly, details of the type and location of EV Charging Points will be required. This information can either be submitted with the application or can form part of a condition attached to any approval.

A plan has been provided which shows each property would be provided with an EV charging point and this will be conditioned. Therefore, subject to the condition the proposal would satisfy the requirements set out above.

Ecology and Biodiversity Net Gain (BNG)

With regard to Ecology and BNG it is noted that as the site consists of entirely hardstanding, the Council's Ecologist has confirmed that there are no ecological issues with the site being developed and given it is entirely hardstanding currently, it is exempt from BNG requirements.

Notwithstanding the above, the introduction of garden areas would result in some enhancement.

It is noted that a local resident has raised concerns about a hedgerow which provides a place for local wildlife, which could be endangered by the development. However, the hedgerow falls outside of the application site and is sited on the adjacent school site, therefore the development would not impact on the hedgerow. Notwithstanding, the Council's standard informative regarding ecological matters will be appended to any decision.

Therefore, having regard to the above the application would raise no ecological issues and is exempt from BNG requirements.

Drainage

The site sits within Flood Zone 1, so it is at low risk of flooding.

With regard to the development itself the dwellings will be connecting to the existing drainage system which has capacity and is shown on the submitted drainage strategy. Given the size of the development this matter will be dealt with in more detail at Building Regulations stage. Furthermore, the hardstanding areas will be of a permeable material and the addition of the grassed areas to the front and rear of the properties will be a welcome addition that will help with surface water run-off given the existing site is entirely hardstanding.

It is therefore considered that whilst comments have been raised by residents about existing flooding problems in the area, the building on this existing hardstanding would not add to this problem, but would likely help reduce the issue due to the permeable paving on the driveways and the grassed garden areas acting as natural soakaways for surface run-off, which is not the case currently given the hardstanding nature of the site and the lack of any permeability currently on site.

Land Contamination

Historically, the land was in use as open field/agricultural land prior to being redeveloped into a small car park for the nearby residents.

It is considered likely that shallow made ground could be present across the site which may have been used to level the site in the past, which has the potential to be affected by contamination. Such contaminants may include

metals, petroleum hydrocarbons, polyaromatic hydrocarbons and asbestos containing materials.

An historical landfill site has been identified within 130m north-west of the application site. This landfill is still an active gassing landfill site, with a ground gas combustion system still in operation.

The Phase I Report has identified low to moderate risks associated with potential land contamination and other related sources/hazards at the site.

However, residential development is proposed for the site which could introduce a sensitive receptor (i.e. human health) with the potential for exposure to soil contamination, if present, in private gardens or areas of soft landscaping.

Potential geo-hazards have also been identified associated with shallow clay deposits at the site, due to the effects of frost heave and shrink and swell associated with the trees.

Based on the above it is considered that a Phase II Intrusive Site Investigation be undertaken to determine the extent and properties of the clay deposits to allow for foundation design to be determined and to assess for any contamination which may exist within the surface soils at the site. It is unlikely that landfill gas will be impacting upon the proposed development site, however it would be prudent to undertake a programme of gas monitoring to confirm the risk to future receptors is low.

Remediation works may be required to bring the site to a suitable condition to be protective of human health for its proposed residential end use.

Other responses to objectors.

Whilst the majority of the concerns raised by local residents have been considered and assessed above, one comment raised related to the impact of the development on services in the area, particular doctors and dentists. The comment is noted, but this development for two dwellings is unlikely to have any impact on services in the area. Furthermore, as the dwellings are to be added to the Council housing stock it is likely that the future occupants would already be registered at a doctors / dentist in the borough.

Conclusion

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on a brownfield allocated residential and is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological or environmental issues. The application would comply with the relevant national and local planning policies and guidance and is therefore recommended for approval subject to conditions.

Conditions

General

01

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

Reason

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

02

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

3572_01 RCA 30 XX DR A 0901 – Location Plan

3572_01 RCA 30 DR XX A 0906 P2 – Site Plan

3572_01 RCA 30 DR XX A 0905 P2 – Elevations

3572_01 RCA 00 DR XX A 0202 P01– House Type Plan

3572-01-RCA-30-XX-DR-A-0905 P02 - Streetscene

3572_01-PEV-30-00-DR-E-6000 P02 – EV Charging Plan

3572_01-PEV-30-XX-DR-C-0512 P02 – Proposed Drainage Masterplan

Reason

To define the permission and for the avoidance of doubt.

03

Prior to works commencing above ground level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority or samples of the materials shall be left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

04

Prior to construction works commencing above ground level a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be completed before each dwelling is first occupied.

Reason

In the interests of the visual amenity of the area and in accordance with the

Local Plan.

Construction Practices

05

Except in case of emergency, no operations shall take place on site other than between the hours of 0800 to 1800 hours Monday to Friday and between 0900 to 1300 hours on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of highway safety and residential amenity.

06

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

Reason

In the interests of highway safety and residential amenity.

07

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

Reason

In the interests of highway safety and residential amenity.

08

Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

Reason

In the interests of highway safety and residential amenity.

Highways

09

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

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

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

Reason

To ensure that surface water can adequately be drained, and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity.

Air Quality and Emissions

10

The electric vehicle charging points as shown on plan 3572_01-PEV-30-00-DR-E-6000 P02 shall be provided prior to each dwelling being occupied and shall thereafter be maintained and retained.

Reason

In the interests of air quality and to provide appropriate facilities for electric vehicles.

Land Contamination

11

Prior to above ground works commencing, a Phase II Intrusive Site Investigation should be undertaken to assess potential geotechnical issues and the geo-environmental conditions at the site to confirm the nature, presence and extent of potential contamination across the site and the risk it presents to human health. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted in line with guidance document 'Land Contamination Risk Management' (October 2020) and predecessor guidance 'Model Procedures for the Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017)

Reason

To ensure the safe occupation of the site.

12

Prior to above ground works commencing and subject to the findings of condition 11 above, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure the safe occupation of the site.

13

If during development works unexpected significant contamination is encountered, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

To ensure the safe occupation of the site.

14

If subsoil/topsoil is required to be imported to site for gardens and areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

Reason

To ensure the safe occupation of the site.

15

Following completion of any remedial/mitigation works a Validation Report should be forwarded to the Local Authority for review and comment. The Validation Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

Reason

To ensure the safe occupation of the site.

Affordable Housing

16

The development shall provide 100% affordable housing across the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of securing affordable housing.

Informatives

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

It is recommended that the development is designed and built to Secured by Design www.securedbydesign.com

The following should be considered:

Defensible Space

Each dwelling should have a front boundary to a height of 1 metre to allow for visible surveillance into and from the dwellings in question.

Boundary Treatment

All rear gardens should be secured with a min 1.8m high fence. A 1.8m lockable gate should be fitted as close the front boundary line as possible to secure the rear of the dwellings.

Surveillance

Any landscaping and front boundaries should be kept low at no more than 1 metre high and any trees to have no foliage below 2m to aid natural surveillance. Positioning of trees should be careful not to mask any Lighting Column's.

Lighting

All external paths and car parking areas should be well lit with an LED lighting scheme to standard BS5489 with no dark areas. All front and rear doors should be lit with a wall mounted luminaire to provide lighting in line with standard BS5489 which should operate on a dusk to dawn sensor and spread the light downward.

Security of Dwellings

In line with SBD standards, all front / rear doors and ground floor windows should comply with PAS 24:2022.

03

Measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved should be carried out, please see attached Informative Note in this respect.

04

The existing vehicle access is to be removed, the footway reinstated, and two new vehicle accesses provided. This will require the applicant to enter into a Memorandum of Understanding with the Council's Highways Development Management Service and they should be requested to contact my colleague david.phillips@rotherham.gov.uk.

05

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

POSITIVE AND PROACTIVE STATEMENT

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