

ITEM NO.    SUBJECT

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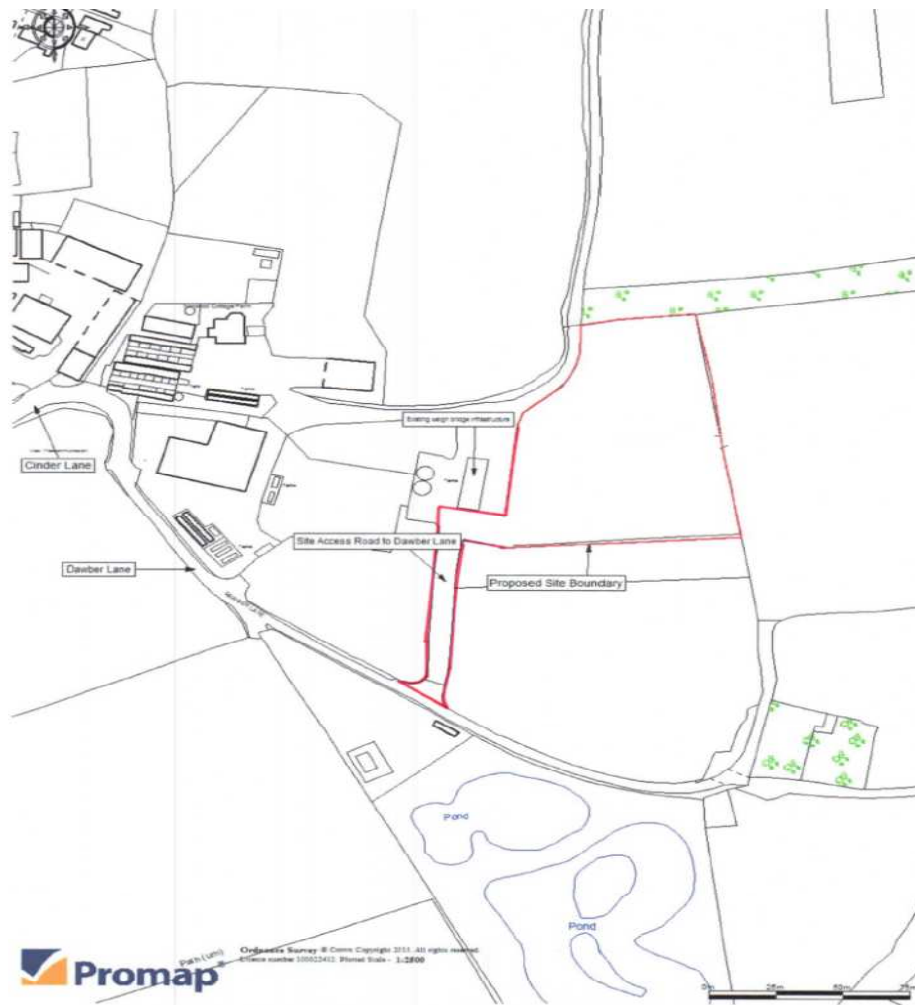
Courtesy Consultation for the installation of 5000 tonne waste storage tank at Norwood Cottage Farm, Cinder Lane, Killamarsh, Sheffield, S21 2AT

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Appeal Decision: - Appeal Dismissed

Appeal against a refusal to grant planning permission under section 78 of the Town and Country Planning Act 1990 for the proposed erection of 21 No. dwellinghouses at land at The Crescent, Thurcroft

**Courtesy Consultation for the installation of 5000 tonne waste storage tank at Norwood Cottage Farm, Cinder Lane, Killamarsh, Sheffield, S21 2AT**



**Recommendation:**

That Derbyshire County Council be informed the Council raise no objections to the proposal but request a copy of the environmental permit should planning permission be granted.

**Background**

Rotherham MBC has been consulted on the above planning application submitted to Derbyshire County Council (DCC). This is a 'courtesy' consultation as required, due to the close proximity of Rotherham's Borough boundary to the application site. RMBC are invited to provide DCC with comments on the application and the impact of the proposal on Rotherham in terms of such planning related issues as to the impact on the environment, flooding, traffic and any adverse impact on the amenities of nearby local residents.

## **Site Description and Location**

The application site is located within an existing farm / business complex, part of which currently consists of importing non-hazardous effluent and sludge waste streams.

The site is accessed off Cinder Lane junction with the A618 Mansfield Road, which in turn leads onto Dawber Lane. The site access road slopes up away from Dawber Lane to the proposed storage tank location.

The site where the storage tank is to be located is predominantly flat and covered in a mixture of hardcore and areas that have been concreted.

The area surrounding the site of the proposed development is earth bunded on three sides and secured with a perimeter fence. The earth bund is covered with grass and other green vegetation. The area is currently used for vehicle and site equipment storage and vehicle washing.

The site is approximately 0.5km west of the administrative boundary of RMBC, approximately 1km west of the M1 Motorway and approximately 1.2km from the nearest residential properties in Rotherham in the village of Woodall.

## **Proposal**

The application is seeking approval for the installation of a 5000 tonne waste storage tank to compliment the site's existing operations.

The tank would have an area of some 1100 sq. metres with a capacity of around 5000 tonnes. It will be some 5 metres in height plus an additional 5.18 metres to the central peak cover.

It is to be constructed in concrete and would be agricultural in appearance.

The tank will be sited adjacent the access road, adjoining the existing weighbridge.

## **Consultations**

Streetpride (Transportation and Highways): Have no objections.

Neighbourhoods (Environmental Health): Have no objections.

## **Appraisal**

The proposed development is to support the existing land spreading operations which are undertaken at the farm. These operations are undertaken in line with the Company's Environmental permit which is regulated by the Environment Agency. TIM currently hold a standard rules permit (SRP2010N04) which allows the company to use mobile equipment to spread waste materials on land as a fertiliser replacement.

The main issues with the proposal affecting Rotherham are the impact on traffic levels within the Borough and the impact on the general environment for the Borough's residents.

With regard to the visual appearance of the proposed storage tank and the impact on the closest residents in Rotherham, it is considered that the storage tank, albeit 10 metres high at its highest point, it would be sited a considerable distance from the nearest residential properties in the village of Woodall.

Views of the storage tank from properties in Woodall and further afield in Harthill would not be intrusive or adverse. This is due to the distance to the application site from these villages and the topography of the land between the site and these villages particularly given the M1 motorway bisects the area, which is at a raised level with dense woodland on either side of its carriageway. Furthermore, the any distant views of the storage tank would be seen against the backdrop of other similar structures and agricultural buildings which are present in the surrounding area and within the application site itself.

In highway terms, the proposed waste storage tank is expected to result in 7 additional arrivals by tankers during a typical working day. The origin and destination map indicates the likely source of this material. The A618 Mansfield Road and A57 Worksop Road to the north of Killamarsh will no doubt cater for some of this traffic, although the impact on these roads, which are in the Rotherham area, will not be material. Therefore the proposal would have no adverse effect on the highway network within Rotherham.

With regard to the environmental impacts of the proposal on the residents of Rotherham, it is noted that the current agreement between the applicant and the Environment Agency is that waste streams are delivered directly to mobile field storage tanks at the deployment site and spread to land within 24 hours, under normal operations. The proposed storage tank on site is to store waste on site during periods where the physical land spread operations cannot take place.

All waste delivered to the site will be in enclosed tankers. The tank itself will be sealed and fitted with carbon filters to abate displaced gases.

In light of the above there is potential for odour from the spreading of the non-hazardous waste to the deployment site which could potentially affect residents within the Rotherham area and there is also the potential for odour from the storage tank but only if the carbon filters become spent. If this was to occur then this can be rectified within hours as spare carbon filters will be kept on site.

The mitigation measures proposed should control the odour from the site and should only arise due to failures of equipment or when spreading which should be only be for a 24 hour period.

The existing spreading activity on site is regulated by the Environment Agency and the proposed development would also be regulated by the Environment Agency under the environmental permit.

In light of this any issues in regards to odour and noise will be forwarded onto the Environment Agency to investigate.

However it is recommended that RMBC request that a copy of the environmental permit is forwarded to the Council if Derbyshire District Council grant planning permission.

## Conclusion

Having regard to the above it is concluded that the impact of the development on Rotherham will not be detrimental to its residents, environment or the highway network of the Borough. As such it is considered that RMBC should raise no objections to the proposal but request a copy of the environmental permit should planning permission be granted.

**Item 2**

**Ref: RB2014/1511**

**Appeal Decision: - Appeal Dismissed**

**Appeal against a refusal to grant planning permission under section 78 of the Town and Country Planning Act 1990 for the proposed erection of 21 No. dwellings at land at The Crescent, Thurcroft**



## Recommendation

That the decision to dismiss the appeal be noted.

## **Background**

A planning application was submitted (ref: RB2014/1511) for the erection of 21 dwellings at land at The Crescent, Thurcroft and was refused for the following reason:

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The site is allocated as Urban Greenspace on the adopted UDP and the loss of the Urban Greenspace, which is not clearly surplus to requirements, would be detrimental to the local community and the applicant has failed to demonstrate a scheme whereby equivalent or improved provision of Urban Greenspace would be provided within the locality. As such, the proposals are contrary to Core Strategy Policy CS22 'Green Spaces' and to 'saved' UDP Policy ENV5.1 'Allocated Urban Greenspace', as well as the guidance contained within the NPPF.

An appeal was lodged with the Planning Inspectorate and we have now been informed that the appeal has been dismissed.

## **Main Issues**

In assessing the appeal, the Inspector noted that the main issue is the effect of the proposal on local urban green space.

## **Decision**

The Inspector considered that "the appeal turns on whether or not the proposal would either provide new accessible greenspace or upgrade existing provision and whether the site is surplus to requirements." He added that:

"I observed from my site visit and the evidence before me that the existing area benefits from a high degree of natural surveillance from the surrounding properties and that it is highly valued by the local community as an informal recreation space. Unlike the nearest green space to the north and east, it is well suited for use by younger people because it provides a secure, supervised recreational environment with a single access point that can be easily observed.

Its value has been emphasised by the strength of opposition to the proposal as well as by the fact that the area was successfully designated as an Asset of Community Value under part 5 chapter 3 of the Localism Act 2011 shortly after the appeal was submitted. Local residents have suggested that the unobstructed, amenity grassland provides a 'blank canvas' for a wide range of activities including team sports, such as football and cricket, as well as a range of community-based social events and other informal recreation activities. This clearly contradicts the appellant's green space appraisal that concludes that the appeal site is of low quality with limited use.

I acknowledge the systematic approach that was taken in the appraisal methodology. However, I am not satisfied that the approach allows sufficient weight to be placed on individual criteria, such as community benefit. For example, the absence of recreation facilities is a peripheral matter in this instance given the established recreational use of the site. Consequently, I do not find that the criteria are equivalent and can be equally applied to all sites. Therefore the enhancement of

some criteria to compensate for the loss of others is not a matter of simple substitution.

Whilst the proposed landscaping might be considered an aesthetic enhancement, I am not satisfied that it would help to create a higher value recreational area given the well-established, existing use. The significant reduction in size and the physical obstructions caused by the landscaping would reduce its functional suitability for informal team sports and lead to conflict between users and cars when balls go beyond the site boundary. Moreover, I find that the proposal would significantly reduce the current levels of safeguarding by limiting the number of overlooking properties. As a consequence, I do not find the remaining green space would be equivalent in terms of community benefit.

The appellant has drawn my attention to the Gordon Bennett Recreation Ground (GBRC) as an alternative, higher quality green space which is situated a short distance to the west of the appeal site. Whilst I accept some similarities and the presence of dedicated recreation equipment, I am not satisfied that this represents a viable alternative that would make the appeal site surplus to requirements. This is because of the limited degree of natural surveillance that is present and the significant number of properties in the eastern reaches of Thurcroft that are outside the maximum 280m buffer of the GBRC, as recommended by the Rotherham Green Spaces Strategy 2010. This fact would not be significantly altered by the 300m buffer used in the appellant's own appraisal. Moreover, even though I observed that these properties in the eastern part of Thurcroft are in close proximity to the Old Mineral Line Trail, this green space provides a different range of unsupervised recreation opportunities that are not equivalent to the appeal site, as is also the case for the areas to the north.

Given the above, I conclude that the proposal would cause significant harm to local urban green space provision thus conflicting with policy CS22 of the CS and saved policy ENV5.1 of the UDP and thereby contrary to the development plan. I also conclude that it would be contrary to paragraphs 17 and 74 of the Framework that seek, among other things, to ensure that decision-taking secures a good standard of amenity for all existing and future occupants of land and buildings and that existing open space is protected."

The Inspector recognised that the Council does not have a 5 year supply of housing and that the proposal would generate an affordable housing contribution, but bearing in mind the significant loss of urban green space that would result and the value placed upon it by the local community, he did not find that these benefits would outweigh the harm that would be caused.

## **Conclusion**

For the above reasons and having regard to all other matters raised, the Inspector concluded that, on balance, the appeal should be dismissed.